UNITED STATES OF AMERICA

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DEPARTMENT OF THE INTERIOR

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MINERALS MANAGEMENT SERVICE

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OCS RENEWABLE ENERGY AND ALTERNATIVE USE PROGRAMMATIC EIS

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PUBLIC SCOPING MEETING

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THURSDAY

MAY 25, 2006

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Ballroom
Holiday Inn
Dedham, Massachusetts
6:47 p.m.

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P-R-O-C-E-E-D-I-N-G-S

(6:47 p.m.)

MR. GASPER: Well now we come to your part of the program, this is your opportunity to get up and give us scoping comments, comments on this programmatic environmental impact statement, on what you think we ought to be evaluating in the coming months as we develop the draft environmental impact statement.

But before we get into that part, I would like to go over a couple other things. This is the first opportunity that the public is going to have to provide comments into the process of developing the programmatic environmental impact statement, but it won't be the last.

This is a scoping process, it started on May 5th, it's going to run through July 5th. You'll have another opportunity, after we publish the draft programmatic EIS, which we are anticipating doing in February of `07. It will be put out, made available to you and we'll have another public involvement process that we go through, and we'll probably be coming back to somewhere in this same area so that you'll have an opportunity to come in and tell us how we did on developing that draft, suggesting and

changes you think that might be made for the final EIS.

We have tried to provide many avenues for you to become involved in the process. One of the things we've done is to develop a Website. This is the URL for it up here, the hand out materials, I hope everybody picked upon the way in, also have that URL. I would encourage you to take a look at it, there is a lot of information on the URL, just sort of background information about the technologies and the process and, as we develop EIS documents, those will be made available on the Website. There is also an opportunity for you to submit comments via the Web for both this scoping process and, later, make comments on the draft EIS.

The project schedule is on there and, if there are any changes, the Website will be current with whatever changes might be made, and you'll also have the opportunity to sign up to be notified, via e-mail, about any sort of changes or documents that might be generated via the EIS process. So, the question is how to provide scoping comments? Well there is three ways. I just talked a little bit about the Website, I certainly again encourage you to go there and if you go home after this meeting and think

of something that you would like to contribute, this is a very easy way to make sure that your voice is heard.

We also work with the post office, we still get mail at Argon and, if you send in copies, hard copies, via the mail, of any of your comments or any supplemental material you think might be valuable to us, as we prepare the EIS, that's certainly a viable way to get them to us. And then of course in person at scoping meetings and everybody knows that because they are here tonight. In terms of presenting comments tonight, I think, in the material you picked up, you saw that there is a scoping form, you can fill that out, and hand that to any one of us who has a name tag on it and we'll be happy to make sure that gets into the record.

In addition, those of you who have already signed up to speak will get that opportunity. If anybody else wants to speak, you can sign up at the registration desk or just wait and, after everyone else who has signed up gets a chance, you'll get a chance to speak tonight too. One thing I do want to point out to everybody is we have a court reporter over against the wall and he is going to be recording everything that's said tonight, so we'll be sure to

capture all the points that you make.

In terms of making oral comments, we've got over 50 people tonight who do want to talk. We are prepared to stay as long as it takes but, to sort of facilitate that process, we would ask that when you come up to the podium, and we would like you to come up to the podium to make your comment, you state your name and your affiliation so the court reporter can get that document and, initially, you limit your remarks to three minutes. After that three minute period is, after everyone who has wanted to speak has had their chance, we'll start going down the list again and anybody who wants to elaborate on their comments will have that opportunity.

We are going to, also, I would make a request that you limit your comments tonight to the scope of this programmatic EIS. I know there are a lot of other things that might be on people's minds related to alternative energy but, tonight, the thing that we are really trying to get at is comments you might have about the scope, what sort of impacts should be evaluated in the EIS, what sort of alternatives ought to be addressed in the EIS, what sort of concerns we ought to be making sure the EIS looks at. And, finally, if you have any comments or

any supplemental materials, make sure you leave those with us too.

So that's about all I have to say, except that I have a stop watch here, it's set at three minute and I'll try to remember to set it off when you start talking. And, as you approach three minutes, this thing will go off, I'll hold up a yellow card to remind you that you are nearing the end of your time and to please bring your comments to a close. And, when it hits three minutes, I will hold up a red card and, after that, I'll start throwing the cards at you. And I was going to have a Yankees hat here and I was going to walk up and put a Yankees hat on whoever was talking.

(Laughter)

MR. GASPER: At that point in time, but then I thought maybe that wasn't such a good idea. So, anyway, we do appreciate you coming by here tonight and are looking forward to hearing what you think we ought to be looking at as we prepare this programmatic EIS. So, at this time, I'm going to break one of the rules that I just told you about and, instead of going in order as you signed up, we are going to ask that you indulge us and allow any elected officials or their representatives, who might be in

the audience and who might want to make a comment, come up first. We do have the names of a few of those, first on our list is Steven Pritchard, the Secretary of Environmental Protection, Office of the Governor of Massachusetts.

MR. PRITCHARD: I'll try avoid --. Can you hear me? Yes, my name is Steven Pritchard, I'm the Secretary of Environmental Affairs for the Commonwealth of Massachusetts and here today representing Governor Romney and the Romney Administration. I want to thank you, first of all, for the opportunity to offer comments on behalf of Governor Romney regarding the development of the programmatic EIS that will assess really significant issues, alternatives and mitigation measures associated with new rules for renewable energy and alternative uses of the outer continental shelf.

Governor Romney and I strongly support your efforts, through NEPA and through this rule making process, to provide a comprehensive framework for making good decisions about where and how a public resource, our oceans, should be used in order to best serve the interests of the public. I strongly support the development of renewable energy and believe that this can be done in a thoughtful and deliberative way

that will protect important environmental resources and allow other activities and uses to continue, as they do today.

In Massachusetts, in fact, we are in the midst of a very similar effort to identify the best and most appropriate potential locations for these energy resources and to determine the various ways to assist and encourage the development of facilities on these sites, both through regulatory processes and practices and through technical assistance. There are many specific comments that we should be providing to you to inform your process and we will do that through additional detailed written comments for your consideration but, considering that we have three minutes, and no more, I would like to use my brief time this evening to emphasize two issues regarding the framework that you now set to construct.

First, planning should precede regulation. Congress recognized this basic tenet when it assigned these new jurisdictional responsibilities to MMS requiring that a more comprehensive approach to the management of the outer continental shelf resources be undertaken. In this instance, however, sound planning and management requires a far better understanding of the ocean environment and its current and potential

uses than currently exists today. Therefore, regulation and management of alternative uses, including renewable energy uses, should be guided by planning that addresses natural resources and human uses.

As an initial step, we recommend that you consider using the existing five year OCS planning and public review process for oil and gas leasing as a model to assess industry interest in an alternative energy siting on a regional basis. By building on this established process, MMS can begin to characterize the offshore environments of each region of the country, map existing uses through the development of an offshore cadastre and move away from the existing site by site review of alternative energy projects to a more comprehensive approach.

Second, effective management of the outer continental shelf requires a commitment to state partnerships. As you move forward, I strongly encourage MMS to draw on existing structures that balance the federal government's jurisdiction and state and local government's authority, as well as their interest and needs. The Deep Water Port Act, the Coastal Zone Management Act and the Outer Continental Shelf Lands Act all contain approaches and

provisions that can provide proven templates for integration of MMS regulatory responsibility and state government interests.

In Massachusetts, we too have been concerned about the use of our publicly owned oceans. Last year, Governor Romney filed the Oceans Management Act, legislation that authorizes the state to develop the knowledge and the plans to guide our use of our own waters and protect the public interest of those state waters. This legislation would allow us to more effectively balance the many competing interests for what is a limited, valuable and extremely treasured resource. In many ways, Massachusetts legislation can serve as an example for MMS to consider as you develop rules that guide the development of critical new energy resources and other alternative uses while, at the same time, protecting the ecology and the existing uses of the outer continental shelf.

I can see by my two red cards that I'm running out of time so, in conclusion, I want to reiterate my interest in working with MMS in developing this new planning, management and regulatory program. Alternative energy resources hold the hope of decreasing our reliance of fossil fuels, increasing our own energy independence while also

reducing pollution. I believe that we can develop these resources while, at the same time, protecting the interests of the many other constituents of the outer continental shelf. Thank you for the opportunity to speak today and we really look forward to working with you as you develop this important regulatory framework.

MR. GASPER: Thank you.

Next speaker, Alice E. Moore, Chief Public Protection Bureau, Assistant Attorney General of Massachusetts.

MS. MOORE: Good evening. My name is Alice Moore and I'm here testifying tonight on behalf of Massachusetts Attorney General Tom Riley. I really appreciate the opportunity to appear before you as MMS embarks on this important task of creating a regulatory program to govern alternative energy uses of the outer continental shelf. I would like to make four main points this evening, one is the importance of planning. In regulating land use, we have seen that comprehensive planning is the key to a sound, productive process, the same principles should apply to the use of our oceans.

Before MMS allows any new development on the outer continental shelf, we believe it should

produce a comprehensive plan to determine where potential uses should be allowed. Such a plan should rest of course on the best available science, but we also realize that developing such a plan means making judgement about what uses, if any, are allowed in particular areas. For that very reason, it's critical that the plan be produced through an open public process that relies primarily on state and local input. The comprehensive plan can then help guide MMS as it exercises its regulatory authority and it will ensure that development is located where we, as a society, conclude it is appropriate and is prohibited where we conclude it is not.

The second point, projects in the pipeline. Second, we should look at how the agency's regulatory authority applies to projects that have already been proposed. We have already submitted to MSS a written analysis of the so called savings provision included in last year's Energy Policy Act. There may be some dispute about the exact meaning of the provision, but there can be no reasonable debate that any actions that do not already have authorization need full MMS review and approval. We believe that MMS should now, indeed can not grant any new approvals, even for projects already in the

pipeline, until it has developed the standards it will use to make its decisions. And, as we pointed out in our written comments, MMS can and should allow projects, again, even those already in the pipeline, to go forward only on a competitive bid basis.

The scale of the projects authorized. Third, we encourage MMS to adopt restrictions on the size of projects. The Outer Continental Shelf Lands Act generally limits the maximum area that can be authorized for oil and gas leases to 5,760. We urge the agency to incorporate similar provisions against excludes licenses over large swaths of the outer continental shelf in its standards for alternative energy uses. A pending proposal to construct a wind energy project, known as Cape Wind, illustrates the importance of this issue. That project, consisting of approximately 130 turbines spread over 24 square miles of Nantucket Sound would cover almost three times the maximum area authorized under the oil and gas leasing provisions. Such a proposal contradicts the intent of the Outer Continental Shelf Lands Act not to put large portions of the outer continental shelf into private hands.

Finally, we want to stress the importance of MMS's implementing its new authority in a way that

fully recognizes state interests in adjacent federal waters. Again, Cape Wind provides a helpful example. Nantucket Sound, as a whole, has been designated an ocean sanctuary under Massachusetts law, which generally prohibits, in those areas, the building of any structure on the sea bed, as well of the construction of offshore electric generating stations. Although these state prohibitions to now apply, of their own force, to the outer continental shelf, they still give us a clear expression of state policy about these waters.

This process that you are going through now is very helpful, and we very much appreciate being a part of the process and look forward to the establishment of regulations and standards that apply equally, whether or not a project is already in the pipeline. Thank you very much.

MR. GASPER: Thank you.

Next speaker, Tom Bernardo, Speaker, Barnstable County Assembly of Delegates.

MR. BERNARDO: Good evening. My name is Tom Bernardo, I'm a former Chatham Selectman and a current member of the Barnstable County Assembly of Delegates, Barnstable County's legislative branch of government, in which I serve in capacity as its

speaker.

I want to thank you for the opportunity to comment on the programmatic environmental impact statement for offshore renewable energy development and, tonight, I would like to address the role state and local governments should have in MMS's new offshore energy program.

For the immediate future, near shore areas will provide the most attractive locations for renewable energy developers, these sites reduce capital costs while maximizing returns on investments for developers. However, the areas developers covet are the same areas that provide immensely valuable maritime habitat, these are also the very same areas that have attracted millions of people in putting down roots and building their lives. Today, more than 53 percent of the nation's population is estimated to reside in just 17 percent of the coastal strip of the United States.

The job of coastal states and local governments, in particular, is to balance the tremendous pressure development places on coastal resources. Cape Cod has worked hard to do that by enacting restrictive development regulations and requiring extensive environmental review before

construction is permitted, other coastal governments have done the same. Local governments have a wealth of experience regulating coastal activities, both onshore and in territorial waters. No entity knows better how to protect, in a particular project, how that will impact nearby communities than those entities responsible for governing coastal resources.

It would be my sincere hope that MMS's program maintains the constructive balance and hard work of effected local governments and not override local interests or undermine conservation and development restrictions, such as those the commonwealth has enacted to protect Nantucket Sound. President Bush has signed an executive order to promote cooperative conservation with an emphasis on appropriate inclusion of local participation and federal decision making. MMS should carefully apply this directive in establishing its new program and hopefully do the following:

One, solicit information from local governments regarding the impacts of OCS development on local interest, two, solicit information from effected states and local governments regarding where OCS development should be permitted, three, draft regulations that incorporate state and local

recommendations for permitted and prohibited development on a regional basis, four, develop regulations that require consistency with protections established in adjacent territorial waters for areas within five miles of territorial waters and prohibit inconsistencies of OCS development and, five, defer to approvals granted or withheld by effected state and local government for development within five miles of territorial waters.

It is my belief that, by following these guidelines, MMS can work with governing entities in coastal states to facilitate renewable energy development in a manner that minimizes controversy and protects coastal resources. Again, thank you for the opportunity.

MR. GASPER: Thank you.

Next speaker, Captain Charles Gifford, Woods Hole, Martha Vineyard at Nantucket Steamship Authority.

MR. GIFFORD: Thank you. Good evening, thank you for allowing me to speak tonight. My name is Captain Charles Gifford, I am the Port Captain for the Woods Hole, Martha's Vineyard, Nantucket Steamship Authority. I'm a U.S. Coast Guard licensed Master Mariner and an approved instructor at Massachusetts

Maritime Academy. As a Master Mariner, I have navigated large vessels in many areas of the world, including the Gulf of Mexico and the North Sea. Numerous oil rigs, supply vessels, fishing boats and pleasure craft have challenged me on many occasions and forced me to avoid risk of collision.

The Steamship Authority annually makes 22,000 trips transporting close to three million passengers and over 600,000 cars and trucks to the Islands of Martha's Vineyard and Nantucket. It is our opinion that the 130 wind turbines planned for Horseshoe Shoals and Nantucket Sound has a potential for creating a significant hazard to safe navigation for our vessels and other users of the waterways. The Coast Guard submitted a required analysis of subject matter to the Corps of Engineers to be included in the environmental impact statement for Cape Wind Project.

Navigational safety risk assessments were at the top of the list and included but not limited to the following: A marine traffic survey, current velocities and directions, sea state, weather conditions, including movement of ice flows, risk of collision between vessels and the towers, the changes to vessel movements in the are, and, increase in the dangers involving risk of collisions of vessels. The

Coast Guard also recommended an analysis of the effects the towers would have on marine radar, communication and positioning systems.

Further to this, a study in the United Kingdom on the North Hoyle Wind Farm have revealed that interference from large structures, such as wind turbines, will effect marine radars to the extent that they can create false targets and effect the operation of automatic plotting radar, automatic radar plotting aids used in collision avoidance. This in itself will create a challenge for vessels to comply with the rules of the road in times of poor visibility or limited visibility. In the North Hoyle Field, it was recommended a separation zone of one and a half nautical miles from wind turbine fields be established.

The Minerals Managements Service must be cognizant of all factors when preparing a problematic programmatic environmental impact statement for renewable energy projects, such as Cape Wind, and alternative use of facilities in federal waters. Thank you.

MR. GASPER: Thank you.

Next speaker, John O'Brien, Cape Cod Chamber of Commerce.

MR. O'BRIEN: Thank you very much. My name is John O'Brien, I represent the Cape Cod Chamber of Commerce.

First, let me say that the Chamber feels much better about MMS being involved in this process. We've been watching this for four years now and we feel much better that this agency will be the determining factor in whether these projects get sited. Basically, listening to the issues the past few weeks, the increasingly rancorous national debate over the Cape Wind Project, it seems as if the fate of this controversial project has little or nothing to do with Cape Cod and is instead a national referendum on alternative energy and national policy.

What happens to Cape Wind, its proponents have argued, will largely decide the outcome of alternative energy revolution in America. We have spent more than four years examining this project and listening to both sides of the debate and we remain opposed because it is ultimately only beneficial to the developer, not to the residents and visitors to Cape Cod. One of the good things that the wind farm debate has spawned at the Cape Cod Chamber is an interesting internal discussion about energy police, renewable energy and the impact, if any, of local

decisions on grand, global environmental threats.

It is obvious that electricity from wind turbines has also struck a nerve with significant numbers of Cape residents and visitors. Letters to newspapers on the subject show strong support for energy independence and cleaner electricity from renewable sources, the letters also tend to attribute strong positive cause and effect results, such as lower prices, cleaner air and near energy independence for Cape Cod. The Chamber has looked at the issue long and hard, it is evident that this is an extremely complex industry. Electric power is generated from hundreds of sources across the six state New England region.

Our fuel sources are nuclear, coal, oil, water and minute amounts of renewable sources. The planning and operation of the so called grid is done by an entity called the independent system operator. The 1998 Massachusetts deregulation law essentially allows for competition in the generation of electricity while still regulating the distribution and transmission of electricity. This law allows consumers and businesses to purchase power from any source while continuing to regulate how the power gets to the user. The law also allows for aggregation by

like end users.

In the Cape's case, we have the only regional aggregator in New England, the Cape Light Compact, they are set up to investigate and contract for the best, least expensive, most reliable sources of electricity for the region's thousands of consumers. When the Chamber began to look at the law and the generation system, it was evident that a large wind farm on Nantucket Sound had both pluses and minuses. We think there are no free lunches when it comes to electricity generation, renewable sources have problems, as does fossil fuel.

What we find is that, in the previous debate, there has been no real, factual cost/benefit analysis and that's what we would urge that the MMS take into consideration, a real, factual cost/benefit analysis that disregards the public relations brickbats that are being hurled around. The engineer that was up here previously talked about the turbines themselves, but he didn't mention the efficiency factor. For instance, what is the real outcome? How are they discounted when the wind is intermittent? And those kind of issue that we think are vastly important.

So, anyway, in summary, the economy of

Cape Cod, as the previous speaker has mentioned, is inextricably wound around our shoreline and those areas that we are talking about, and so we would ask that the MMS really take a hard look at the impact on our economy, which is really important because it's not our backyard, it's basically our front yard. Thank you very much.

MR. GASPER: Thank you.

Next speaker, Sandra Young, Alliance to Protect Nantucket Sound.

MS. YOUNG: My name is Sandra Young and, on behalf of the Alliance to Protect Nantucket Sound, I thank you for the opportunity to speak.

Four years ago, the alliance went on record citing the need for statutory authorization, the development of underlying regulatory program and a programmatic review to evaluate the impacts of offshore energy development, and the alliance is pleased to see that the MMS is conducting these essential steps to establish a new energy program.

We must, however, strongly object to the review of any individual program, including Cape Wind, prior to the completion of the programmatic EIS and the development of regulations. Any such premature review undermines the value and purpose of a national

program and the programmatic EIS, it also significantly obstructs efforts to protect valuable coastal resources and to fully engage the public, as required by law. The data gathered through a programmatic EIS are invaluable to individual project review, such data are the foundation for baseline project standards and provide MMS with the information it needs to accurately determine how individual projects need to be built or sited to best mitigate aggregate impacts of alternative energy development.

In short, premature project reviews will be at best inadequate and are certain to undercut MMS's ability to mitigate aggregate impacts. Furthermore, proceeding with project level reviews before the programmatic EIS is complete deprives the public of a meaningful opportunity to participate. When public trust resources as immensely important as Nantucket Sound are at stake, public participation can not be handicapped by unreasonably requiring stakeholders to consider a project without knowing what the standards will be that apply.

Federal agencies, like MMS, have a duty to look out for the best interests of the environment, to be the counterweight that prevents private interests from exploiting federal resources to the detriment of

the public trust. As stewards of the OCS resource, MMS must ensure that the programmatic EIS for offshore alternative energy development reflects a scientifically conservative and environmentally protective approach. The programmatic EIS must look broadly at alternatives and impacts, require rigorous studies and try to resolve public conflict with the aim of achieving the greatest return for the public overall.

I refer you to the alliance's comments in response to the advanced notice of proposed rule making submitted on February 22, 2006 and encourage you to use the detailed regulatory framework recommended therein as the basis for the PEIS. And, again, I thank you for your time.

MR. GASPER: Thank you.

Next speaker, Charles Vinick, Save our Sound.

MR. VINICK: My name is Charles Vinick, I'm the President of the Alliance to Protect Nantucket Sound.

And I thank you for the opportunity to testify on the importance of the purpose and needs statement in shaping the programmatic EIS. The purpose and needs statement is a critical part of any

EIS, how this statement is drafted determines the scope of review and the range of alternatives the action agency will consider. A broad statement enables an action agency to conduct a comprehensive analysis of a program's impacts.

Last year, the Bureau of Land Management prepared a programmatic EIS evaluating land based wind impacts to determine whether it should build on its preexisting interim guidance and establish a wind energy development program. MMS also must evaluate the impacts of an energy program and, although MMS must review all types of alternative energy generation, BLM's approach provides a useful guide. The objectives of the BLM programmatic EIS were twofold, first, BLM assessed the environmental, social and economic impacts associated with wind development, second, the BLM evaluated a number of alternatives to determine the best management approach to adopt.

BLM measured its management approach based on its ability to mitigate potential impacts and facilitate wind energy development and then, after completing the programmatic EIS, determined the standards for reviewing applications and identified the areas where wind energy development was prohibited. MMS's task is more difficult in that it

will have to establish a program that anticipates the impacts of new technologies that require some research and development. Resource potential must be balanced against multi use conflicts, some locations may be ideal for tidal power but not for solar power. Likewise, some areas should not be open to certain technologies because environmental impacts can not be sufficiently mitigated.

Conflicting uses make Nantucket Sound, for example, not suitable for wind power but it may be suitable for other forms of alternative technologies. The programmatic EIS should be developed to help MMS identify such areas or at least set out the criteria for determining whether a particular form of renewable energy is acceptable and where. MMS must choose and expansive purpose and needs statement such as the purpose of the PEIS is to evaluate the environmental, social and economic impacts of offshore alternative energy, including a range of reasonable program alternatives so that MMS can identify the best management approaches that minimize or mitigate potential direct, indirect and cumulative impacts while facilitating alternative energy development.

By using a broad statement of purpose and need, MMS should be in a position to choose a

management approach that facilitates energy development while providing maximum protections to the environment. Thank you.

MR. GASPER: Thank you.

You guys are getting real good at hitting three minutes on the head, I appreciate that.

Next speaker, Ernie Corrigan, Alliance to Protect Nantucket Sound.

MR. CORRIGAN: Good evening. My name is Ernie Corrigan, I'm speaking tonight on behalf of the Alliance to Protect Nantucket Sound.

As indicated in previous testimony, the alliance urges MMS to review our comments to the ANPR. I would like to highlight some of our comments, as they pertain to the PEIS, and emphasize the need for an evaluation of the existing resources. The proposed action for this PEIS is the development of a regulatory program, we believe that program should look like the approach described in our ANPR comments.

National standards should cover issues, such as site location, competitive bidding, resources protection, revenue structures, stakeholder involvement and decommissioning requirements. Project level standards should be established for impact mitigation, project alternatives and cumulative impact

assessments. I will not summarize our detailed ANPR submission in this testimony but refer you to and incorporate by reference our written comments. In addition, the EIS provides a forum for addressing the environmental issues of development at a macro level.

To do a proper macro level assessment, MMS first must have an understanding of where alternative energy resources exist and where conflicting interests lie. MMS needs to map out resources across the OCS and then determine how other public interest values and alternative uses overlap. Significant issues that must be considered and mapped out include air and marine navigation, economic impacts, wildlife, fishing, recreation, scenic and aesthetic impacts, marine protected areas, public safety, national defense and historic preservation, just to name a few.

From this information, MMS should identify, through the DEIS, development zones, areas where adverse impacts and conflict from development are relatively low and where development of alternative energy can be encouraged. And it should also establish exclusion zones, areas where adverse impacts and conflict are relatively high and where development should be prohibited. This zoning approach will allow the review process to move more

quickly, as MMS can concentrate resources on reviewing applications in development areas. This type of zoning system, complemented by national standards, will ensure the maximization of public benefit. Thank you for the opportunity to speak tonight.

MR. GASPER: Thank you.

Next speaker is Brian Hickey.

MR. HICKEY: Good evening. My name is Brian Hickey, I am here to testify on behalf of the Alliance to Protect Nantucket Sound regarding the scope of alternatives the MMS should consider in the programmatic EIS.

The programmatic EIS MMS is preparing must cover alternatives in two ways, first, as NEPA directs, the MMS must evaluate alternatives to the proposed action itself, which is the development of a regulatory program. The Bureau of Land Management followed this approach reviewing three alternatives, first, the preferred alternative; second, the limited development alternative; and third, the no action alternative. More may be appropriate when dealing with multiple technologies in high use areas.

As it's prepared alternative, the alliance recommends the MMS adopt one that is substantially similar to the regulatory program we have described in

our comments on the advanced notice of proposed rule making. In these comments, the alliance recommended a program that would require competitive leasing of the OCS for development that could occur only under stringent environment standards, alternatives to this preferred action would cover a reasonable range of regulatory options. Second, the programmatic EIS must conduct a regional review of locations so that overall review is more manageable and to help inform regulatory criteria for site assignment.

Again, the BLM followed a similar approach, identifying areas that it was considering to be off limits to develop because of incompatibility with specific resource values, inability to mitigate impacts or conflicts with existing or planned users. The purpose of this review is to identify areas that are appropriate for development and those that are too heavily conflicted, for a variety of reasons, and should be set aside. To that end, the MMS should base its review on a number of considerations that it has used for offshore oil and gas, including the geographical, geological and ecological characteristics of a region, an equitable sharing of development benefits and environmental risk among regions.

Third, the relative needs of regional and national energy markets. Four, other uses of the sea and seabed including fisheries, navigation, existing and proposed sea lanes, potential sites of deep water ports and others, the laws and goals and policies of effected states that have been specifically identified by the governors as relevant consideration. It is in interest of the potential developers in these areas, the relative environmental sensitivity and marine productivity, different areas of the OCS, the relevant environmental and predictive information for different areas of the OCS.

Reviewing alternatives that are based on an understanding of above listed consideration should enable the MMS to develop a program that facilitates renewable energy development while maintaining adequate protection for the environment. How was that? Three minutes? Two minutes?

MR. GASPER: I think you guys got together and timed these, that's very good.

MR. HICKEY: Well I'm color blind too.

(Laughter)

MR. GASPER: Okay, next speaker, Audra Parker.

MS. PARKER: My name is Audra Parker and

I'm here to testify on behalf of the Alliance to Protect Nantucket Sound on the economics of offshore wind plants. A programmatic review of proposed projects should require business plans to ensure that projects are economically viable, do not pose unnecessary risks or burdens to the public and serve the public interest. The public should be given an opportunity to review and comment on this information. Economic disclosures should include the project's capital requirements, operating expenses, projected revenues from the sale of electricity, subsidies and other credits and estimates of profit over the expected life of the project.

The business plan should not only include estimates of the capital required to build a project but also cover costs of connecting to the regional transmission grid, decommissioning costs need to dismantle a project, lease payments, maintenance costs, funds for necessary mitigation measures and other related expenses. A programmatic review should also include estimates of expected impacts on consumer costs, including both changes in electricity rates and subsidies. The regulations should require that simulations be run to predict economic consequences of new projects, these simulations should factor in both

the means by which the power will be sold, that is through the spot market or through power purchase agreements, and requirements for back up power. Because wind power is intermittent, back up requirements may be substantial.

Wind speed is another fundamental driver of project economics. As such, it is critical that site specific historical wind speed data be made available to confirm estimates of output that drive project economics. In the case of Cape Wind, the Army Corps DIS did not confirm the developer's estimates of average capacity nor has Cape Wind publicly released historical wind speed data, even though a meteorological tower is in place that provides the necessary data to do so. The programmatic review should require that developers publicly confirm such estimates.

Offshore wind projects require significant subsidies and tax credits to be economically feasible. For example, a study by the Beacon Hill Institute found that Cape Wind stands to receive subsidies worth $731 million or 77 percent of the cost of installing their project and 48 percent of the revenues it would generate. A programmatic review should examine all sources of subsidies and credits, including federal

production tax credits, state credits where renewable portfolio standards apply, tax breaks through accelerated depreciation, applicable pollution credits and all other forms of public contributions.

A programmatic review of proposed projects needs to ensure that projects are economically viable and serve the public interest based on confirmed assumptions and that sufficient funds are set aside to operate, maintain and ultimately dismantle a project, as well as mitigate any unforseen circumstances. Thank you for your consideration of these remarks.

MR. GASPER: Thank you.

Next speaker, Jonathon Peros, Alliance to Protect Nantucket Sound.

MR. PEROS: My name is Jonathon Peros and I'm here to testify on behalf of the Alliance to Protect Nantucket Sound regarding how MMS should address marine management in marine protected areas in the programmatic EIS and program regulations.

Section 388 of the Energy Policy Act of 2005 expressly excludes all offshore energy development in national parks, national wildlife refuges, national marine sanctuaries and national monuments. In addition to these, MMS should also consider impacts to marine management and marine

protected areas.

Marine management areas are sites that are managed or preserved by federal, state, local or tribal governments. Marine protected areas are sites which protect unique biological and cultural resources and are critical to the conservation and proper management of our nation's marine environment. In 2000, Executive Order 13158 was signed to help expand and strengthen protection areas for marine, strengthen protections for marine areas, it explicitly requires all federal agencies to avoid harm to the natural and cultural values protected by the marine protected areas to the maximum extent practicable.

The executive order established a center to oversee the implementation of the order itself, the center is currently in the process of creating an inventory of management areas and developing criteria for selecting marine protected areas from that inventory. However, the selection process has not been completed and there is no way to know which of the marine management areas will in fact become marine protected areas. The final list of protection areas may range from strict, no take reserves to multiple use areas, depending on the resource and values that the area is established to protect.

As such, to ensure that the new offshore alternative energy program does not harm the values which the executive order was established to protect, MMS must ensure protection of both marine management areas and marine protected areas. The programmatic EIS and regulations must establish procedures for avoiding impacts to marine management and protected areas in both federal and state waters, it should prohibit any development which is inconsistent with the values protected under Executive Order 13158. This prohibition should also cover adjacent areas where development would harm the values protected by the executive order, even if the development is not located within marine protected areas. Thank you for your consideration of these comments.

MR. GASPER: Thank you.

Next speaker, Susan Nickerson, Alliance to Protect Nantucket Sound.

MS. NICKERSON: Good evening. My name is Susan Nickerson and I'm here to testify on behalf of the Alliance to Protect Nantucket Sound.

Thank you for the opportunity to comment this evening. I would like to address my remarks to the potential for impacts of alternative energy projects on bat and avian populations. The potential

for significant impacts to bat and bird populations is one of the greatest areas of environmental concern with regard to offshore renewable energy projects and wind projects, in particular.

Because bird and bat mortality, as well as habitat fragmentation and behavioral disturbance are documented problems at existing wind installations, MMS must consider these impacts in the programmatic environmental impact statement. It is vital that MMS develop a regulatory program that's consistent with the guidelines that have been prepared by U.S. Fish and Wildlife Service and other avian experts so as to ensure full and adequate protection of these animals. The programmatic EIS should describe how impacts to birds and bats will be addressed in the regulatory program, the Fish and Wildlife Service guidelines that currently exist must be considered the standard.

Before any individual project application is considered, MMS should require three years of reliable, radar based information on a continuous basis for all species of interest. Radar based data should be verified with intermittent use of confirmatory technologies, such as infrared and auditory data collection. In addition, the regulatory program should acknowledge the applicability of both

the Migratory Bird Treaty Act and the Endangered Species Act to energy projects, there should be no ambiguity that these important laws apply.

Beyond describing how impacts to birds and bats will be analyzed in the regulatory program, the programmatic EIS should evaluate avian effects on a regional basis and identify areas where such impacts or high or potentially high and uncertain. Offshore regions with unique and highly significant avian activity should be precluded from further consideration based on this approach. Further, an accurate method of assessing cumulative impacts of multiple projects in areas likely to be of high interest to developers must be established and applied during consideration of individual project applications.

Finally, in preparing its regulatory program and the programmatic EIS, MMS needs to clearly define the necessary information on which defensible risk assessment can be based and ensure that this information is forthcoming from each applicant early in the review process. I'll reiterate that MMS should consult extensively with U.S. Fish and Wildlife Service and state wildlife programs in the design of the program to address bird and bat impacts, bird and

bat issues. Thank you very much.

MR. GASPER: Thank you.

Next speaker, Cliff Carroll, WINDSTOP.org.

MR. CARROLL: Hello and thank you for the opportunity tonight. My name is Cliff Carroll, I'm founder of WINDSTOP.org.

I appreciate having the opportunity to present my comments before MMS to help guide in its preparation of the programmatic EIS. Offshore energy development must be regulated in a manner that protects the environment and economic zones of the abutting states' shorelines. One critical aspect of the program MMS creates has to address the potential environmental disasters which could result from the construction of these industrial wind plants.

Tonight, I would like to specifically address the most dangerous component of these large scale plants, that is the offshore oil transformer facilities that are part of every large scale offshore wind farm now in your pipeline. As MMS knows, the Army Corps of Engineers listed 17 federal and state agencies that would handle the permitting of the Nantucket Sound wind farm back in 2001, MMS was not listed as an agency. The reason that MMS was not considered a permitting agency is because in Cape

Wind's initial application to the Army Corps of Engineers, it was never disclosed that the ten story offshore transformer would be containing 40,000 gallons of dialectic oil.

Under the Clean Waters Act, any structure containing more the 1,350 of oil is considered an offshore oil facility. When this was discovered, I brought it to the attention of Mr. Walter Cruickshank, Deputy Director of MMS, it was only then that MMS became one of the reviewing agencies in the ACOE process. As a follow up, every coastal town on Nantucket Sound demanded that a four season oil trajectory chart be done and included in the draft EIS, that was back in November of 2004. The Army Corps ignored this request.

However, Mr. Cruickshank was nice enough to respond in a letter dated November of 2004, "in accordance with Minerals Management Service regulations, we have determined that the operator of the proposed Cape Wind offshore facility must submit an oil spill trajectory analysis identifying offshore and onshore area that a discharge could potentially effect. This analysis must consider seasonal oceanographic conditions so that the worst case impacts can be assessed". It was also stated at this

time that the U.S. Army Corps of Engineers is responsible for Cape Wind's project, EIS and determinations regarding analysis to be included in that document.

Well here we are, one and a half years later, the Army Corps is gone and now the author and the agency of the above mentioned letter is now in charge of making a determination of what analysis will be included in the future DEIS so that the real hazards can be truly assessed by local communities. As part of the programmatic study, very careful consideration of the surrounding geography must also be considered. For instance, Nantucket Sound is essentially an ocean lake, a large bowl, surrounded on three sides by land. In the event of a 40,000 gallon transformer oil spill, the oil would simply slosh around inside the area until landing on one of our Massachusetts Ocean Sanctuary shorelines, potentially devastating our shellfish beds or perhaps an entire tourist based economic zone.

It is hereby requested, on behalf of the nine coastal towns which signed the November 20th letter to Mr. Cruickshank, that the MMS include, in the draft EIS, all transformer oil spill trajectory maps and calculations of potential spill zones so that

the true potential hazards to our fishing resources and economic zones can be accurately assessed. Again, thank you very much.

MR. GASPER: Thank you.

Next speaker, Sara Anton, Alliance to Protect Nantucket Sound.

MS. ANTON: My name is Sara Anton. Thank you for the opportunity to comment on behalf of the Alliance to Protect Nantucket Sound regarding the Endangered Species Act and MMS's new energy program.

Offshore renewable energy development has the potential to impact species negatively that are listed as threatened or endangered under the ESA. Placement of offshore structures may kill, injure, harass or harm by habitat modification listed marine mammals, fish, sea turtles, birds and other species. For example, wind turbines may threaten endangered bird species.

Construction and operation of energy facilities also may disturb the foraging, navigation and reproduction of listed species, such as whales and sea turtles, or negatively impact their habitat. Offshore energy development may also indirectly impact endangered or threatened species by altering the distribution or behavior of prey species. The

programmatic EIS must include analysis of the offshore renewable energy program on any ESA listed species potentially impacted by the program, the MMS should initiate consultation under Section 7 of the ESA on the proposed action of developing the regulatory program which itself is an action that triggers Section 7 and requires a biological opinion.

During such consultation, MMS should identify areas that will be precluded from offshore energy development. In addition to requiring ESA compliance for the programmatic EIS, MMS should ensure that the regulatory program adequately requires incorporation of the ESA into individual project reviews. A project applicant should have initial responsibility for submitting the required information to provide for a complete ESA analysis, as required by U.S. Fish and Wildlife Service or the National Marine Fisheries Service. If the applicant does not meet that burden, the project request should not be processed.

The regulations must set forth these requirements to ensure that the types of errors in the Army Corps of Engineers review of the Cape Wind Project are avoided. The Corps allowed the applicant to proceed to an advanced stage of the decision making

process without providing information regarding the impacts of the project on listed species or baseline information requested by U.S. Fish and Wildlife. Failure to supply this information at an early stage in the process often leads to the situation where information gathering for ESA purposes is treated as an afterthought, rather than a critically important aspect of the overall review.

The MMS must do better and ensure that the proper procedures are followed at an early stage of project review by incorporating that requirement into the regulations themselves. Offshore energy development must comply with the ESA by ensuring that impacts to listed species are considered and avoided. Thank you for your consideration of these comments.

MR. GASPER: Thank you.

Next speaker is Dan Morast, Alliance to Protect Nantucket Sound and International Wildlife Coalition.

MR. MORAST: My name is Daniel Morast, I thank you for the opportunity to comment on behalf of the Alliance to Protect Nantucket Sound and the International Wildlife Coalition of East Falmouth, Massachusetts. I am here to express concerns that should be considered by the Minerals Management

Service with respect to wind power and the potential impact of closely spaced wind turbines on marine mammals. The Minerals Management Service is well known for thorough, professional and extensive research with respect to the siting, construction and operation of offshore energy related structures, this is particularly true with investigations concerning impacts on whales, dolphins, porpoise and seals.

Our experience with the proposed wind farm in Nantucket Sound and our concern for protected marine species leads us to respectably recommend and encourage the service to approach alternative energy project review and permitting with the level of inclusion and independent research typical of the service's approach with proposed and existing oil and gas energy structures on the U.S. outer continental shelf. We thank you for the opportunity to be heard and to be invited to observe and participate in the permitting process.

Perhaps the single most obvious difference between traditional oil and gas marine structures and the proposed wind farms is that the latter are typically large clusters of multiple structures, relatively closely spaced and connected by miles of sea bed cables between individual structures and

between structures on the shore. If the 130 wind turbines proposed for Nantucket Sound are a typical array of alternative energy structures that are likely to be proposed in the future, we strongly urge the Minerals Management Service to thoroughly consider the cumulative impacts of under water noise, extensive night time lighting, increased risk of ship strikes and related environmental damage posed by having so many structures located within restricted sea bed areas.

Obviously the short term and long term impacts of the construction phase of large numbers of large structures will need to be considered as well. As with Nantucket Sound, with future proposed oceanic wind farms in marine areas predominantly enclosed by surrounding coastline, there is a need to consider the near shore feeding habits of the smaller toothed whales, dolphins and porpoise. Given that seals, sea lions, sea otters, manatees, etcetera, all spend considerable portions of their life cycle on or near coastal beaches and sea grass beds, these species are threatened to a lesser or greater degree by the cumulative impacts of multiple wind turbine structures.

Noting these concerns, we welcome the

involvement of the Minerals Management Service in the siting and permitting of offshore and near shore alternative energy on the sea bed. The service's leadership role in future proposal reviews will certainly better serve the stakeholders involved and the marine mammals like to be harmed by cumulative impacts. Thank you for the opportunity to speak.

MR. GASPER: Thank you.

The next speaker is Neil Good.

MR. GOOD: My name is Neil Good, I live in Mashpee on Cape Cod and I thank you for the opportunity to comment today regarding how the MMS should consider the issue of recreation in its programmatic environmental impact statement.

In a 1998 report, the National Oceanic and Atmospheric Administration estimated that, in 1995, travel and tourism provided $746 billion to the U.S. Gross Domestic Product, which amassed to about ten percent of the total output. Beaches are the leading tourist destination, while national parks and historic sites are the second most popular destination.

Approximately 180 million people visit the coast for recreational purposes with 85 percent of tourist related revenues generated by coastal states. According to an EPA study cited in the same report,

over 77 million Americans participated in recreational boating as of 1996. In 1996 alone, Americans spent approximately $17.7 billion on boats and boating related products. For non-boaters, beach going was nonetheless a favorite activity. In seven states, beach goers spent $74 billion, with the most popular recreational activities being swimming, sun bathing and walking in coastal areas.

In short, coastal recreation is immensely important to the nation and consideration of recreational impacts must factor heavily into MMS's new regulatory program. Offshore wind power has the potential to significantly impact major recreational areas, the effects of offshore wind energy on tourism have received mixed reviews. In some areas, the presence of an offshore power plant may benefit a region, but whether tourism is adversely effected depends on the reasons people visit a particular area. In other words, it depends on the type of recreation for which the area is popular.

Industrial development is inconsistent with and will adversely impact areas most valued for their scenic and aesthetic characteristics, such as Nantucket Sound. Development can substantially interfere with recreational boating, recreational

fishing, whale and bird watching and a host of other activities. While such areas may not cease entirely as recreational sites, their primary characteristics may be significantly eroded by development. When such risk is present, MMS should prohibit development of offshore energy projects.

MMS should conduct a review of the nation's most popular beach destinations and determine what forms of alternative energy projects are consistent with those sites. Where certain types of development presents significant conflicts, those areas should be off limits to developers, too much is at stake to allow unfettered, industrial development in our nation's most valued coastal areas. Thank you for the opportunity to comment.

MR. GASPER: Thank you.

Next speaker is Edward Barrett, President, Massachusetts Fishermen's Partnership.

MR. BARRETT: Thank you. Good evening. My name is Edward Barrett and I'm the President of the Massachusetts Fishermen Partnership, a coalition of 18 fishing organizations in Massachusetts.

In an ocean blueprint for the 21st Century, the U.S. Commission on Ocean Policy made sustainability and stewardship the two most important

considerations to guide national ocean policy, the commission reports on minimizing negative environmental impacts when balancing competitive uses. Furthermore, all ocean policy decisions should be based on the best available science and information.

For MMS, primary sources of the best available science should be our fisheries managers and scientists, including such agencies as the New England Fisheries Management Council, the Atlantic States Marine Fisheries Council and, in Massachusetts, the Division of Marine Fisheries. Several areas of critical concerns that MMS should carefully investigate when reviewing any proposed wind power plant, especially one in shallow water, are, one, what potential impacts would a project have on essential fish habitat and their associated species?

Two, what potential impacts would a project have on commercial and recreational fishing activities and what would be the resulting socioeconomic impacts on local communities that depend on these activities? And, three, are there safety and navigational considerations? These questions need to be thoroughly and objectively investigated for any proposed energy project in our coastal waters, especially since we are at a critical time, when many

fish docks are still depleted and others are just beginning to show signs of recovery.

With the Cape Wind Project, all the fishery management agencies, as well as the Department of the Interior, found that Cape Wind DEIS did not adequately or accurately address these issues. The New England Fisheries Management Council, for instance, noted that "the DEIS relies on outdated data for the bulk of the fisheries analysis". ASMFC said fin fish resources are systematically underestimated, as are commercial catches and recreational fishing activity. Most worrisome was the criticism of the Massachusetts Division of Marine Fisheries, that no effort was made by the applicant to obtain comprehensive, representative, site specific resources or habitat data.

MMS must ensure that these kinds of deficiencies are avoided since, otherwise, no decision on individual offshore renewable energy project proposals can be made based on the best available science and information. Thank you for your consideration.

MR. GASPER: Thank you.

Next speaker, Beth Masterman, Liberty Square.

MS. MASTERMAN: I'm Beth Masterman, speaking on behalf of the Alliance to Protect Nantucket Sound.

I would like to call on the MMS to consider the impact that alternative energy development will have on our magnificent open waters. Open, natural places are a scarce resource that has unique capacity to enrich human life, it's a resource valued by Americans across the nation. Open space rejuvenates our spirits and inspires the desire to do right by our duty to be stewards. Some suggest that aesthetics and the value of open spaces should not be considered because the impact from alternative energy will be negligible or, in the case of offshore wind, that turbines will look like pinwheels on the horizon.

The reality is that these are industrial sized projects and, in the case of wind, a turbine is a huge and noisy illuminated machine hundreds of feet high. New projects call for hundreds of these monolithic structures, the potential for aesthetic impacts is significant and needs to be seriously considered. Others have suggested that aesthetic concerns should give way to the need for progress in the development of cleaner energy, but this is not a necessary trade off. The lessons learned from the

past project is that, while alternative energy development must be explored and encouraged, government agencies must move forward with caution, particularly with respect to our open spaces.

In the United Kingdom, where the government has one of the largest commitments to renewable energy, offshore wind development is restricted to locations away from near shore waters, in part because of aesthetic impacts. MMS should follow the same approach and the PEIS should identify areas where aesthetic impacts will be nonexistent or negligible. In addition, the MMS national standard should mandate the consideration of aesthetic impacts and avoidance of areas of adverse impact. There are many site options that will allow for the development of renewable energy in a way that does not effect aesthetics.

With proper site requirements and planning, all interests can be addressed. It is MMS's charge to identify those areas where aesthetic impacts are high and then to identify distances from shore or locations where such conflicts can be avoided. Development of the outer continental shelf is a public value issue. As such, in the development of a programmatic EIS, MMS must carefully consider all

public interests, including the national interest in preserving inspirational views and open space. Thank you very much.

MR. GASPER: Thank you.

Next speaker is Sandra Taylor, Alliance to Protect Nantucket.

MS. TAYLOR: My name is Sandy Taylor and I'm testifying on behalf of the Alliance to Protect Nantucket Sound on the subject of historic and cultural resources and offshore renewable energy development.

As the Cape Wind Project experience demonstrates, offshore renewable energy project development can have a significant adverse effect on resources of historic and cultural value. These impacts can range from direct intrusions on these important properties to the deterioration of the view sheds and historic settings that are an integral part of historic and cultural resources.

In most cases, where such conflicts exist and are significant, as they are for Nantucket Sound, the solution is to find alternative locations. The alliance believes that MMS must address historic preservation concern in two ways, first, as discussed in our ANPR comments, the underlying offshore

renewable energy regulations and national standards must provide specific, substantive and procedural requirements to ensure full compliance with the National Historic Preservation Act, the Antiquities Act and Archeological Resources Protection Act, and other applicable laws, during individual project review.

The burden must be on the developer to provide the necessary information regarding the location of effected sites at the application stage and consistent with applicable law and the president's executive order on cooperation conservation. State and local governments and property owners, regarding the impacts and alternatives, must be accorded by MMS. I refer you to our ANPR comments for specifics on how this should be accomplished in the MMS regulations. In addition, the PEIS itself should conduct an initial survey of coastal areas to identify those, like Nantucket Sound, which present bodies of waters that are themselves of historic significance or that contain important historic properties on shore.

Such areas should be identified in the PEIS as exclusion zones, where projects would not be considered, this approach will improve efficiency of the offshore renewable energy program while protecting

historic and cultural resources from adverse effects. In connection with the development of the regulations and the preparation of the PEIS, MMS must itself comply with Section 106 of the National Historic Preservation Act. We believe this duty would be the best, would be best satisfied on conducting a programmatic historic preservation consultation in conjunction with the new NEPA review.

Taking that step now would not only satisfy MMS's legal duties, it would provide the kind of information discussed above to develop exclusion zones that will help expedite properly sited offshore renewable energy projects while protecting significant historic properties and locations. Thank you.

MR. GASPER: Thank you.

Next speaker, David W. Faulkner, Alliance to Protect Nantucket Sound.

MR. FAULKNER: Hello. I'm David Faulkner and I'm a native Cape Codder and someone who sailed up and down New England coast for over 40 years in fair weather and fog.

I'm here to testify on behalf of the Alliance to Protect Nantucket Sound regarding the potential impacts of wind turbines on critically important radar installations. To protect public

health and safety, MMS must conduct a careful assessment of the impacts of wind energy turbines on radar functions.

Research conducted by the United Kingdom clearly indicates that wind turbines impact the efficacy of radar navigation and collision avoidance systems through the generation of electromagnetic fields that interfere with their operation. This is no small problem, turbine interference can impact ship radar at considerable distances from the periphery of a wind complex. The United Kingdom has addressed this problem in the marine context by recommending a one and a half nautical mile separation distance between wind turbines and shipping lanes. In addition, MMS must consider how siting wind facilities will impact defense radar and aviation systems, particularly in high traffic areas.

Efforts to assess risk are already underway and ought to be included in the programmatic review and reflected in the ultimate regulations. For example, after being directed by congress to assess the effects of wind energy facilities on military radar installations, the Department of Defense and the Department of Homeland Security established an interim policy to contest any establishment of wind turbine

facilities within radar line of national air defense and homeland security radars until the completion of the study. This interim policy reflects concerns over the manner in which wind facilities may undermine our defense capabilities.

The Federal Aviation Administration has also issued a letter identifying its concerns over wind turbine interference with air traffic control radar systems. Alterative energy development that generates electromagnetic fields should be excluded in areas with high radar use and reliance. Nantucket Sound, for example, is one such area, a project located inordinately close to major shipping and commercial ferry routes, such as Cape Wind has proposed, should be rejected under MMS's eventual regulations. Interference with those systems that allow the safe passage of 400,000 flights, a tremendous number of recreational boats, commercial shipping and passenger ferries is an unacceptable risk.

Further locations that house critically important military radar systems, such as Pave Paw Station, which tracks satellites and searches for intercontinental ballistic missiles, located at Otis Air National Guard Base on the Cape, must be

protected. MMS should establish minimum requirements that guarantee the protection of the public. Where risks to the public can not be minimized, the regulations should treat those areas as off limits to wind energy development. Thank you.

MR. GASPER: Thank you.

Next speaker is Jules Clark, Alliance to Protect Nantucket Sound.

MS. CLARK: Good evening. My name is Jules Clark and I'm here to testify on behalf of the Alliance to Protect Nantucket Sound, surprise.

I appreciate having this opportunity to present comments before MMS to help guide it in its preparation of the programmatic EIS. Offshore energy development must be regulated in a manner that protects public safety, one critical aspect of the program MSS creates is how it addresses navigational concerns. In preparing this EIS, we recommend that MMS considers including standards that prohibit development within one and a half miles of any major shipping or passenger ferry lines.

Development in areas closely adjacent to heavily used shipping and passenger routes is reckless, given the magnitude of harm associated with potential accidents. In addition, MMS could survey or

should survey, excuse me, the OCS to identify areas of high conflict and exclude such areas from development, such measures would help to protect against unreasonable navigation and collision risks. The United Kingdom has taken such an approach, providing a buffer zone to protect public safety, the U.K's maritime and coast guard agency, the MCA, a leader in the development of marine safety and environmental protection standards for offshore wind facilities, proposed implementation of stringent guidelines for a minimum safety separation distance as a critical decision factor in site selection for offshore wind facilities.

MCA based its recommendations on navigation and search and rescue studies with attributed radar interference to offshore wind energy facilities. Now MCA determined that such facilities seriously disrupt basic navigation, collision avoidance and pollution prevention safety measures aboard ships, boats and search and rescue assets for up to 1.5 nautical miles from the periphery of the singly located facilities, and beyond for the collocated facilities. Based on these findings, the MCA proposed that a minimum safe separation distance of 1.5 nautical miles be maintained between offshore

wind facilities and shipping routes and that a minimum separation of 2,300 feet should be applied between the individual turbines.

In order to ensure that the impacts of the project on navigational risks and impacts are given an appropriately thorough examination, we believe that MMS should evaluate these navigational concerns, define major shipping lanes and commercial ferry routes and establish no development buffer zones. These reports from the U.K. should be taken as guides in the evaluation of the effects of offshore development on navigational safety, the MMS should work closely with the U.S. Coast Guard, experts in navigational safety issues, to develop navigational safety requirements and evaluate such requirements as part of the PEIS. Further, approval of formal site specific risk assessments should be required for each individual proposal. Thank you.

MR. GASPER: Thank you.

Next speaker, Lisa Tacker, Alliance to Protect Nantucket Sound.

MS. TACKER: My name is Lisa Tacker and I am here to testify on behalf of the Alliance to Protect Nantucket Sound on the potential economic impacts of offshore wind plants.

A programmatic review of proposed projects needs to evaluate methods for assessing the economic impacts and risk a project may pose. Economic impacts should include direct and indirect effects on traditional uses, such as fishing, view shed effects, such as tourism, and property value impacts, environmental cost and benefits, and project cost and subsidies, the regulations should require that models be run to predict economic consequences of environmental impacts.

Economic drivers of local communities should be considered in the evaluation of projects. For example, wind energy development can be costly for tourism based economies, as demonstrated by the report Beacon Hill Institute prepared for Nantucket Sound, BHI conducted an extensive survey of home owners and tourists which showed a decline in tourism causing loss of between 1,200 and 2,500 jobs. A programmatic review should include a full assessment of how these and other costs and benefits should be quantified and considered.

Rather than relying on piecemeal claims in deciding on an issue as vast and complex as that posed by offshore wind projects, a full cost and benefit analysis should be conducted to assess the impacts

fully, to compare the proposed project to alternatives and to determine whether, from the point of view of the greater society, the project should go forward or not. A cost/benefit analysis should consider the full array of economic costs and benefits that a proposed wind plant would impose on confer on society, these costs include those of installing and operating the physical plant and of integrating it into the power grid.

They also include such external costs as negative aesthetic effects, plus impacts on birds and marine life. An assessment of benefits should include the reduction in fossil fuel burned and reduced emissions. By incorporating a cost/benefit analysis into the regulations, MMS will be able to systematically and objectively estimate the impacts of individual projects. Finally, location matters. Offshore energy projects can have anywhere from negligible to very significant impacts, depending on the specific site involved, these effects must be fully evaluated and used as a screening criterion.

Conflicts with areas of special significance and numerous competing uses need to be considered, areas where the conflicts, cost, controversy and risk can not be justified should be

eliminated from consideration on the onset. Thank you for your consideration of these remarks.

MR. GASPER: Thank you.

By my watch, we've been going for about two hours now, since we started the presentation, so I would like to suggest that we take about five minutes to just sort of stand up in place, and stretch and get the blood flowing again, so we don't lose concentration.

(Whereupon, at 8:15 p.m., there was a brief recess.)

(8:21 p.m.)

MR. GASPER: The next speaker is Greg O'Brien from the Stonybrook Group.

MR. O'BRIEN: My name is Greg O'Brien, President of the Stonybrook Group in Brewster on the Cape, and I'm a resident of the Cape for almost 30 years.

And I testify tonight in strong opposition to the statement that MMS will create a separate track for Cape Wind, even before the underlying regulations have been developed or the programmatic environmental impact statement is prepared. Doing so flies in the face of the principles for fair and objective decision making, a separate track for Cape Wind is unfair to

the public. We need to know what the standards for decision making are, to be able to comment on Cape Wind in a meaningful way. How is the public supposed to comment if we do not know the rules under which the project will be evaluated?

A separate track for Cape Wind will waste time and money. Cape Wind is the most controversial offshore wind energy project under consideration today, any attempt to review this project before the rules or in place makes no sense. Unless programmatic rule making is a charade and this PEIS irrelevant, there is no way MMS can know what rules to apply to the project in advance. Therefore, it will be necessary for MMS to backtrack and redo the Cape Wind analysis to ensure that all of the new standards are met, that is completely inefficient and a waste of the public resources.

A separate track for Cape Wind will result in a substantial review that places the environment and the economy of Nantucket Sound at risk. The principle reason for the PEIS is to gather facts and information that will inform the public and guide decisions. Starting Cape Wind in advance means that the project review will be done without critical information needed to properly inform review

determinations. A separate track for Cape Wind promotes needless controversy and conflict, Massachusetts already has been forced to endure years of needless conflict because of the failure of the federal government to halt premature review by the Corps.

Enough is enough, do it right this time. A separate track for Cape Wind finds no basis in the Energy Policy Act, no provision says Cape Wind should be given special treatment under the MMS regulations or exempted under the PEIS. Giving Cape Wind special treatment will make a mockery of the MMS process and it will not even save time because inevitable defects will exist in the record and legal deficiencies will result from shortchanging public review. I call upon MMS to avoid making this momentous mistake and take the logical and legally required step of telling Cape Wind that it must follow the rules, as all other offshore wind developers. Thank you.

MR. GASPER: Thank you.

Just looking out in the audience, I notice we've lost quite a few people. I hope that nobody left who was here and who wanted to speak, and I realize it's getting late now and it's going to continue to get later. If people do have conflicts

and have to leave, I would like to encourage you to not let that cause you to not submit comments. Please got to the Website or fill out a comment form in writing and get it to anyone of us who have the name tags on. All comments will be dealt with on an equal basis, whether they are submitted orally tonight, in writing or via the Website.

The next speaker is Sharon Young from the Humane Society of the U.S.

MS. YOUNG: Good evening. I'm Sharon Young, I'm the Marine Issues Field Director for the Humane Society of the United States, and we are a national organization and our concerns are national. We submitted comments in February on the notice of proposed rule making and they are still relevant, but we will also be submitting additional detailed comments on this process.

Overall, we would say that it is paramount of importance that the MMS undertake a collaborative mapping exercise with state, federal and independent scientists to help identify key habitats that may be risk prone for wildlife, depending on the type of installation that would be proposed for the area.

For example, identifying key migratory quarters for a variety of taxa, seasonal high use

areas, nursery and feeding areas, all of which should be mapped out in advance. This sort of exercise will allow the Minerals Management Service and developers to target areas that are more risk averse for various technologies and preclude certain technologies from certain areas. Although we need alternative energy badly, we need it to be sited responsibly and this sort of exercise is key in making sure that that happens. We also need to see, within the EIS, an evaluation of the risks of various types of technologies to various types of taxa.

This will involve a very complex matrix of analyses, depending on the type of technology and the animal or habitat involved. For example, different wave energy technologies pose different types of risk, similarly, wave energy poses different risks than wind energy. We are also concerned that multiple use structures have both additive and synergistic risks and these things need to be evaluated as well. We are very concerned about the conversion of existing structures to new uses and that MMS considers carefully the fact that the new uses pose entirely different types of risk that require separation evaluation.

For any project, for any technology being

proposed, there needs to be an evaluation of risk from a variety of perspectives, both direct mortality from entrainment or collision and direct mortality that results in reproductive effects on populations or the energetics of animals that are diverting from normal migratory routes. We also need an evaluation of habitat displacement and degradation and how it would effect various taxa. All of these things need to be evaluated for the period of construction, operation and decommissioning because the risks are quite different. For example, noise impacts are quite different during construction than they are perhaps during operation.

Similarly, we would like to see MMS consider a range of mitigation for each type of technology, since they each, since they each pose separate types of risks, MMS should also consider both cumulative and synergistic effects of multiple projects that can be sited within the range of migratory species. As I said, this will involve a very complex and intricate matrix of risk assessment and mitigation alternatives, and we'll be providing much more detail in our written comments. Thank you.

MR. GASPER: Thank you.

Next speaker is Robert Lobelins. No

Robert?

Next speaker, Barbara Durkin.

MS. DURKIN: I am Barbara Durkin, speaking for myself as a tourist of the Cape and Islands.

What was once for me a question of aesthetics has now become a much more complicated issue. I agree with you very wholeheartedly when you speak to the issue of a double kind of review, one for Cape Wind, one for all other wind projects, I think that they should all be reviewed by the same rules. We have state and federal ocean areas under existing use and development may present use conflicts that must be acknowledged, we have not zoned or created safety provisions for federal waters.

The see no evil, hear no evil, speak no evil and take no responsibility approach to the proposed development of our ocean presents an intolerable risk to public safety, as well as to economic and environmental risks. Federal and state agencies, public officials and organizations that participate in the permitting process and who express concerns about navigational security, radar interference and/or determine that any project would present a public safety hazard to navigation and/or aviation must be heeded. It is critical that we fully

analyze potential impacts, and establish needed safety standards and determine what areas will remain off limits to renewable energy or alternate use.

Provide a remedy, in its partiality, was a created by law that directs the applicant to produce the DEIS, as revealed by the Department of Interior's response to the Cape Wind DEIS, at best incomplete, too often inaccurate and/or misleading. Address and, with vigilance, eliminate conflicts of interest. An agency that collects and analyzes data and participates by comment in the permitting process must not be allowed to bid on a contract to provide goods or services if the project is permitted during any phase of the project, nest feathering and tainted practices will undermine the process.

A regulatory regime must impose performance standards for these applicants, the DOI states that the Cape Wind DEIS is insufficient to provide the information necessary for the Corps to make a decision in the public interest. As it stands, our nation's first offshore industrial wind facility will not provide a fair return to the nation. Siting recommendations are addressed by the DOI and the U.S. Fish and Wildlife guidelines. Observe these, please. Mass Audubon testimony states their staff scientists

conclude that up to 6,600 birds will die per year by Cape Wind, the Marine Mammal Commission states that Cape Wind would create a taking of marine mammals by harassment.

Three thousand fishermen, represented by the Mass Fishermen's Partnership, state that Cape Wind would hurt their trade, our cultural heritage. Existing testimony of record of the USACE public hearings must be given weight, a system of checks and balances with an interagency liaison committee should be the nucleus of the team charged with creating lease opportunities for the OCS. We must observe the industry triumphs and failures in Europe and in the U.S. and reflect them in sound policy. Conservation Law Foundation's letter to Interior Secretary Gill Norton identifies the Cape Wind 24 square mile footprint as less than one acre. If a leased structure condemns 24 square miles of ocean, the price of less than one square, than one acre is not a fair return to the public.

Representatives of MMS, your allegiance is not to the Under Secretary of Energy or to the President of the United States, your obligation is to the America people, as owners of this finite ocean resource. Thank you.

MR. GASPER: Thank you.

Next speaker, Charles Kleekamp, Cape Clean Air.

MR. KLEEKAMP: Good evening, thank you. My name is Charles Kleekamp, I'm the Vice President of Cape Clean Air, a resident of Sandwich on Cape Cod. Thank you for the opportunity this evening.

To begin with and to summarize, I understand the purpose of the programmatic EIS is to focus on generic impacts. However, the word impacts generally conveys negative or detrimental effects of a project as perceived by regulators and the public at large. I would strongly urge you to be more inclusive and consider, in the scoping documents, the beneficial aspects of a alternative energy or related use of the outer continental shelf.

In addition, I would urge you to consider that the negative impacts be balanced with a perspective on the existing impacts of alternatives to the project. My comments, in detail, would take probably an hour, so I'm going to pick and choose a few of the highlights, leaving with you the written comments, but let me just address the purpose and need for the project that would be dealt with in the EIS, that it should be establish the need for the project

based on authoritative agencies and institutions. For example, the adjacent electrical ISO requirements for near term systems needs should be addressed, the need to reduce the cost of energy from conventional sources, the need to reduce the dependence on diminishing conventional energy sources, such as oil and natural gas, and the importance of independence and security related issues from the importation of such fuels.

Among the long list of beneficial impacts from a proposed ocean project, the EIS should include an assessment of the equivalent amount of oil and natural gas avoided by the electrical energy production of the ocean project. Use, as a basis, the mixture of sources in the adjacent ISO region of the most expensive or marginal generators that would be avoided by bumping them off the clearing, bumping them off the clearing price stack. Note that the fuel cost alone for generating electricity from an oil fired boiler is not about eight cents a kilowatt hour and, from a modern combined cycle combustion gas turbine, the fuel cost alone is about five and a half cents per kilowatt hour and, of course, the fuel cost alone for coal and nuclear is very low, about two cents a kilowatt hour.

However, the oil generated electricity will be at the top of an ISO bid stack and gas generated electricity will be next so that ocean power generated electricity, which has zero fuel cost, will be at the bottom of the bid stack, so it will always get dispatched, displacing the equivalent amount of oil and natural gas that's used. That's among the many, many reasons. Let me conclude, simply by saying that although the list of topics that I have addressed in this documentation is daunting, I suggest the MMS adopt a procedure to enable an EIS to be expedited and developed within a reasonable financial resource within a 12 month period.

I firmly believe that there is an urgency and the need to develop considerable renewable non-polluting sources of energy for the security, sustainability and survivability of our nation. Thank you very much.

MR. GASPER: Thank you.

Next speaker, Christopher Stimpson, Clean Power Now.

MR. STIMPSON: Christopher Stimpson, Secretary, Clean Power Now.

Representatives of the Materials Management Service, as you prepare your framework of

regulations for permitting offshore renewable energy facilities, you will find yourselves the targets of unbounded criticism from those who would rather have your organization disbanded than have you complete the charge with which you've been charged. If you don't believe me, ask the Army Coprs of Engineers, but this is a journey that you and we can not afford not to take.

Nothing that confronts us, as a people, today, is more important than the task you are now performing, more important than immigration, more important than health care, or terrorism or education reform because the work that you are about to do will enable this country and this species we call man to start to undo much of the damage we have already done to our planet, our only home. If done well, this work of yours will form a vital contribution to the ability of our species to continue calling this planet home. If done badly, no, that's not an option.

Certainly this work must be done carefully, but I would caution you not to make the mistake of believing that time is on your side. In the most optimistic of scenarios, the effects on our planet of our profligate use of fossil fuels would have worsened considerably by the time renewable form

a significant part of our supply. It's for this reason that last year's visionary and prescient Energy Policy Act excluded two wind power initiatives, which were far, which were already far advanced in the permitting process, from having to be delayed while the very regulations, which you will craft, are put in place.

Our need, even now, is too urgent for any other approach and, by the way, I should make the point that it is, it was two initiatives, it was Cape Wind and LIPA, Long Island Power Authority. You haven't heard much about that second organization tonight because the alliance doesn't have many constituents overlooking Long Island Sound. It's because of this urgency that I'm begging you to keep the objections you will hear in strict context. You will hear, for example, that those two offshore wind farm, currently proposed, were not the subject of competitive bids and, indeed, they were not.

They were not because our government had failed, at the highest levels, to anticipate the need that is now upon us, our government had failed to provide the necessary framework for bidding and permitting and we are here tonight only because developers, understanding the need before government

did, forced government to recognize the need and develop parameters for it, these developers should not be penalized for the failure of government. You'll also hear that even near shore wind farms represent experimental technology and should be laboratory tested before ever seeing the light of day or the winds of heaven.

I urge you to broaden your vision to see the success being enjoyed today by many other countries whose use of wind power is a whole generation ahead of ours. MMS must of course take into consideration people's valid concerns about navigation, wildlife and the environment, but I urge you to do so in the context of our over arching need for domestically produced energy, for unpolluted air to breath and a sustainable planet to live on. Thank you.

MR. GASPER: Thank you.

(Applause)

MR. GASPER: Next speaker, Dennis Duffy, Energy Management Incorporated.

Okay, I should have said earlier too that all of the transcripts from the meeting will be placed on the website as soon as we receive those, so you'll all be able to review the testimony that's been

provided tonight.

Next speaker, Matthew A. Palmer, Clean Power Now.

MR. PALMER: Good evening and thank you for having me here this evening. My name is Matt Palmer, I'm the Executive Director of Clean Power Now.

And I'm going to start with what I think will be everybody's favorite words here in just a little bit, I will be brief. So far this evening, at the beginning of the night, we have heard quite a bit about the impacts of offshore wind energy, the concerns of looking at state and local issues related to siting and the importance of building all of those into the programmatic EIS that you are undertaking right now.

We have just started to hear a little bit about the importance of balancing that with the recognition of the benefits of renewable energy, these would include the economic benefits, particularly the stabilization of electric rates that renewable energy can provide, the jobs associated with renewable energy projects, the health benefits, both the human health benefits and the wildlife health benefits that accrue from cleaning the air, by offsetting electric generation from the use of fossil fuels and we've just

started to hear a little bit about the importance of combatting global warming through renewable energy projects.

Here in the United States, we are five percent of the world's population, we produce 25 percent of the world's greenhouse gasses, we are certainly the culprits in creating this problem that is threatening our planet. Now I also want to thank Mr. Musiel for his fantastically informative presentation where he demonstrated the huge potential of offshore wind as a renewable energy source in this nation, 800,000 megawatts, almost the entire electricity production that we have in the United States right now. That's a resource that must be tapped and we have to do that with an over arching sense of urgency.

Yes, in performing your programmatic reviews, you must take into consideration wildlife concerns, navigation concerns, state and local concerns, all of those issues. However, I strongly urge the agency not to succumb to the drone of endless delay which prevents anything from ever getting built, there is a tremendous sense of urgency associated with this project. Also associated with this programmatic EIS, excuse me. I also want to thank Mr. Musiel for

demonstrating what the growth of offshore wind has been in Europe. In the past five years, the Europeans have put in 610 megawatts of offshore wind energy, here in the United States we have put in zero. We have been talking about it, they have been building it, we need to get ahead of that curve to bring that economic benefit back here to the United States.

And, lastly, I just want to thank Minerals Management Service for having the wisdom to examine the Energy Policy Act and come to the correct conclusion that it was the will of congress that the Cape Wind and the Long Island Project, because they were already in the permitting pipeline, not be included in the programmatic EIS process. It would be totally unfair to developers, who entered into those projects under NEPA, before this legislation was passed, for force them to go back to square one. It will be totally against the intent of expediting development of renewable energy in this country. Thank you very much.

MR. GASPER: Thank you.

Next speaker, Laurie MacIntosh.

MS. MACINTOSH: Good evening. My name is Laurie MacIntosh, I am a citizen from Milton and I would like to make two brief but important points.

First, I am here to praise MMS for their decision to exclude those projects already under review, such as Cape Wind, and I urge MMS to continue to do so. Cape Wind has already undergone five years of rigorous review, this review has been so thorough that respected organizations, such as the Massachusetts Audubon Society and the Sierra Club, have given their conditional support to Cape Wind, based upon the results. The citizens of Massachusetts, also following the results of this review, now support the Cape Wind Project seven to one. To require Cape Wind to undergo further study would only delay this much needed renewable energy project.

Secondly, I urge MMS to give preference to renewable energy projects, such as Cape Wind, over nonrenewable projects. Thank you.

MR. GASPER: Thank you.

Next speaker, Kristen Graf, Union of Concerned Scientists.

MS. GRAF: Hello, thank you for the opportunity to appear before you this evening. My name is Kristen Graf and I work in the Clean Energy Program of the Union of Concerned Scientists. UCS is a nonprofit alliance of citizens and scientists working on environmental and global security

solutions.

Clean Energy Program does analyses of the costs and benefits of clean energy technologies and policies, including their value in directly decreasing emissions of heat trapping gasses like carbon dioxide, the consequences of which will be felt for years to come.

We appreciate Minerals Management Service's responsibility to develop a process to ensure that offshore energy projects receive thorough environmental reviews. All energy alternatives have impacts and every resource, project and site deserves serious scrutiny of potential environmental impacts and how they can be mitigated. Of course this process should not be allowed to significantly delay projects like Cape Wind, which have already passed a series of at least 17 local, state and federal agency reviews. Our reading of Section 338 indicates that the Cape Wind Project would not be required to resubmit documents that have already been part of a previous review, we urge MMS to honor the language of this provision and build on already completed reviews.

In developing standards for future projects, the most important objective should be to ensure that all sources are held to comparable high

standards and that new sources like offshore wind are not held to more rigorous standards, for the kinds of impacts they have in common, than the energy sources that they would displace, such as offshore oil and gas. We need to create a level a playing field as possible to ensure that we are able to make the best energy choices possible. For example, birds fly into all kinds of structures, including cell towers, skyscrapers, transmission lines and cooling towers, as well as wind turbines.

Does MMS require comparable detail in studies of potential avian impacts with offshore oil and gas rigs that it proposed to require for wind turbines? For another example, we understand that MMS has found that the beneficial effects of Cape Wind's turbines, as fish attracting devices, was understated in the draft EIS, but that it has asked the applicant to study habitat degradation when the turbines are decommissioned. Are similar analyses required for other sources? And, finally, we want to encourage MMS to draw on a large body of already existing data and research, including the programmatic EIS for onshore wind energy and development completed by the Bureau of Land Management in the development of clear guidelines for best management practices in specific definitions

of areas that should not be developed, as well as in data collection for both pre and post construction studies.

The potential benefits of well sited offshore renewable energy also deserve explicit consideration, a program based on fairness, transparency and sound science will help all of us move forward with the technologies that we need in order to develop a more sustainable energy system for our country. Thank you again for the opportunity to appear tonight.

MR. GASPER: Thank you.

Next speaker, Richard Kerver, Association for the Study of Peak Oil and Gas.

MR. KERVER: Thank you for the opportunity to provide perspective on the OCS renewable energy programmatic EIS. My name is Richard Kerver and I represent the Association for the Study of Peak Oil and Gas, a not for profit corporation here in the United States.

Robert Hersh is on our advisory board and, in his report, peaking of world oil production impacts mitigation and risk management, has in informed us and we hope will inform you as well. This report should be taken into full account by the Minerals Management

Service in consideration of your EIS, it remains one of the few on public records, and paid for by U.S. tax payers and has been endorsed by Congressman Rosco Bartlett, Jim McGovern and many other congressional leaders part of the Peak Oil Caucus.

We currently project that a peak in world petroleum production is likely between now and 2015 with a high degree of certainty, the question for America is whether we will commit substantial resources towards the development of clean and sustainable energy sources, the various renewable, such as offshore wind and wave and that, in time, will continue down a path of disastrous consequence, the continuous commitments to petroleum sources that are becoming increasingly untenable. The Commonwealth of Massachusetts, where I live and work, has made a substantial commitment to renewable energy sources through our renewable energy trust fund, renewable portfolio standards and work towards a regional greenhouse gas initiative. Progress, however, when measured against our goals, has been arduously slow and short of expectation.

The MMS measure of environmental impact for OCS development of our energy resources must ultimately account for how those resources will

displace objectionable sources like coal, oil and even natural gas. Development has never been without environmental consequence and the bar has been appropriately raised. We request, however, that the OCS EIS programmatic process account for how fossil fuel energy displacement will occur though offshore wind and wave, providing an ultimately positive impact on balance.

The Hersh report concludes that the peaking of world oil production presents the U.S. and the world with an precedented risk management problem. As peaking is approached, liquid fuel prices and price volatility will increase dramatically and, without timely mitigation, the economic, social and political cost will be unprecedented. Viable mitigation options exist on both the supply and demand sides but, to have a substantial impact, they must be initiated more than a decade in advance of peaking. By the estimation of ASPO, that means last year.

Rosco Bartlett has called upon congress for the Apollo Mission of energy, the role of the MMS must be one of enabler and its procedures should expedite the development of OCS renewable energy sources and in no way discourage or obstruct progress towards development of our offshore energy resources.

Thank you for your consideration.

MR. GASPER: Thank you.

Next speaker, John J. Clarke, Massachusetts Audubon.

MR. CLARKE: Good evening. My name is John Clarke, I'm the Director of Public Policy and Government Relations for Massachusetts Audubon Society, we are the oldest and largest conservation organization in New England and we thank you for the opportunity to comment this evening.

We understand that, through the Energy Policy Act, that MMS will regulate, among other uses, renewable energy projects on the OSC, including wind, and that the programmatic EIS will assess generic impacts from development, operations and decommissioning of renewable energy or alternative uses, and you'll be identifying key issues and mitigation measures that should be considered by subsequent site specific reviews.

As such, we resubmit a document we provided to you at the end of March regarding a challenge proposal to the Cape Wind Energy Project. While this document was developed as a result of five years of our direct involvement in the review and data gathering for this particular project on Cape Cod, we

believe this experience, the lessons learned and the principles applied have significant relevance to the MMS process of developing an overall regulatory and management strategy for the review and permitting of renewable energy projects on the OCS. A major component of our challenge to the Cape Wind Project and the state and federal permitting agencies is a proposed adaptive management plan.

We recommend that an adaptive management plan be a component to the permitting of wind energy facilities on the OCS, an adaptive management plan for wind energy facilities should include, at a minimum, three primary elements. The first is solid and adequate baseline data on the existing project area environment, a comprehensive and vigorous monitoring program beginning at the construction phase of any project, mitigation measures in the event that a project results in unanticipated ecologically significant adverse effects to the environment, generous compensation for the use of public lands and waters and enforceable procedures for decommissioning any abandoned facilities.

Second, a independent review panel, which would be responsible for analyzing data collected during monitoring and preparing reports for a peer

view and dissemination for agencies, applicants and the public should be established, along with adjustments made to permit conditions, as necessary. Finally, mitigation funds should be established through an adaptive management plan for conservation of habitat in and around the project site, monitoring and mitigation should be funded by applicants through this fund. Our more detailed comments are attached and I thank you again for the opportunity to comment.

MR. GASPER: Thank you.

Next speaker, Susan Reid from the Conservation Law Foundation.

MS. REID: Good evening. My name is Sue Reid, I am a staff attorney in the Clean Energy and Climate Change Program at Conservation Law Foundation. CLF is a private, nonprofit, New England based organization that has a long history of protecting both terrestrial and marine natural resources, including by reducing the environment impact of energy consumption in the region. We work to support responsibly sited renewable energy development, both on land and offshore, in our region, it is in this context that we offer comments this evening. Thank you very much for this opportunity to comment.

Given state and federal commitments that

we all support to promote clean, local renewable energy development and considering the importance of offshore wind as one of the most viable renewable energy resources in the Northeast, we believe it is critical that this process move forward expeditiously toward the goal of promoting the responsible development of wind in federal waters through enhancing certainty, transparency, fair process, while maintaining rigorous environmental review. As an initial matter, I think it's important to mention an issue that should not be part of this particular process, the long pending Cape Wind and LIPA offshore wind energy projects.

The intent of Section 388 of the Energy Policy Act of 2005 is to move the environmental and permitting processes for these projects forward without delay because they have been pending in the permitting pipeline for a long time and they should not be folded into this programmatic environmental impact statement process. However, given the rigorous environmental review that the Cape Wind Project, in particular, has undergone, it is appropriate to look to that review for guidance in terms of the scope of issues that should be addressed in the context of any offshore wind energy project.

We also believe that some important advancements can be achieved through the preparation of a programmatic EIS here, partly by drawing some element from the Department of Interior's BLM programmatic EIS for land based wind projects that may be adopted here. One related element, but of course taken to the offshore context, is the compilation of existing data regarding wind energy potential on the outer continental shelf on areas that are potentially available for wind energy development. There is a wealth of existing data and it would be extremely valuable to have this information centrally and readily available as a resource.

In addition, MMS should identify those areas that are expressly off limits for wind energy development, these areas should include national marine sanctuaries, in accordance with the mandate of the Energy Policy Act. Further, and importantly, this undertaking should be viewed as a key opportunity for MMS to identify certain best management practices applicable to all wind energy development projects in federal waters, these should include best management practices related to methods and forms of reasonable preconstruction data collection, especially regarding national resources present at any project site, as

well as reasonable post construction data collection regarding any effects on those resources from construction and operation of a facility.

Best management practices also should be defined for general adaptive management practices designed to mitigate impacts that become apparent after a project is in operation. For these purposes, MMS should compile information presently available regarding best management practices used elsewhere in the world. Finally, it is vitally important to keep in mind the context of climate change, and we must consider the important benefits of non-emitting sources of renewable energy and weigh this in any environmental review. Thank you very much for this opportunity to comment tonight.

MR. GASPER: Thank you.

Next speaker, Eric Stevens, People's Power and Light.

Next speaker, David Beck, J. Cashman, Incorporated.

Next speaker, Steven MacAusland, Massachusetts Interfaith Power & Light.

MR. MACAUSLAND: Hi. My name is Steve MacAusland, Chief Evangelical Officer of Massachusetts Interfaith Power & Light. Massachusetts Interfaith

Power & Light is an organization of over 100 congregations in the Commonwealth of Massachusetts whose mission is to practice energy conservation, invest in energy efficient, buy clean, renewable energy, save energy, save money, save the planet and a whole lot of other things at the same time.

I came here tonight mostly to listen, I've been hearing a lot about Cape Wind for the last number of years and haven't heard that much about MMS and outer continental shelf activity. And in listening to the comments, especially of the first 30 or 40 people, I couldn't help but agree with almost everything they said. I, if I lived on the Cape, would be concerned about the views, I would be concerned about the fishing, I would be concerned about the birds, and historic sites, and waterfront property values and so forth, but I think it's important that we begin to take the long view, get the bigger picture. And I'm a little surprised and disappointed that I've only heard the term global warming once tonight and climate change once and I think that, as we begin to balance the needs to protect the outer continental shelf, we need to think about global warming or climate change and put that into the equation because when the sea levels rise, three feet minimum, perhaps 80 feet, some

predictions are calling for in this century, you can kiss your views, your historic sites, your birds, your fishing, your property values away.

(Applause)

MR. MACAUSLAND: And this is something that we in the community of faith take very seriously, it's called stewardship, and we believe that we were not put here so that we could take our pleasure with the planet earth, we are here to protect and to pass it on in a health state to future generations, save energy, save money, save the planet. We love our god, we love our country, we are trying to learn how to love our fellow man and that's why I'm here tonight. We will be submitting comments, now that I have a sense of what the gist is and what the issues are, we will go after some good science to support our priests. Thank you.

(Applause)

MR. GASPER: Thank you.

Next speaker. A.H. Benson.

MR. BENSON: Good evening. My name is Al Benson, I was Project Management with the U.S. DOE until March of this year, I work on renewable energy projects and energy efficiency. Before that, I worked for 23 years for Mobil Oil Corporation, most of the

time on the oil and gas side. In 1988, I left the oil and gas side because I did enough studies, as a senior planner for the corporation, to realize that we have a real problem on the natural gas and oil side, we saw a map of it a little while ago, a chart of it.

I think that one of the key things hopefully that MMS will do is to expedite the development of wind along the coast because we are going to have very difficult times coming up with the natural gas availability, not only from the United States, but we are taking for granted that Canada will continue to export to us what we need, and I wouldn't take that too seriously. If you want to go back and look at some studies, please look at the National Energy Board's studies on producability in Canada, the markets and their plans, those folks are already figuring on difficult times up there with natural gas supply disruptions.

They've done detailed studies and they know it's going to come. Now, if that happens, they will probably act to safeguard their domestic operations for the economy. If that's the case, then we might assume that our exports from Canada will be diminished over the next couple of years. We are 41 percent dependent on natural gas for electrical

generation, this is an electrical generation project and unlike natural gas and oil, which have national pipelines, we can move the stuff wherever we want, electrical is not the same. If we don't generate in New England, then we are going to go short and, if we go short during the winter, then you are going to see loss of life.

That has concerned me for the last several years, that is one reason why I am supporting the development of Cape Wind because I think, over the next couple of years, you will see outages in the electrical. There was a study that was done in the 2004 time frame, when we hit that real bad cold snap, ISO New England, the Independent Service Operator, almost went out of power. If that had gone out when we were 7 to 20 below zero, you would have see significant loss of life. I'm concerned, personally concerned, that that's going to happen again. They have done a lot to try to work with the gas companies to optimize the electrical and then natural gas, but they don't have the solutions.

We are something like 3,500 megawatts of pipeline capacity short on the electrical side. Not during the summer, we don't have to worry about it but, during the winter, when there is peak periods of

real cold snaps, so I am concerned that if we don't do projects like Cape Wind and do them in an expeditious manner, you are going to be reading about significant loss of life and loss of the economy in this region. So I am personally very concerned about it, I don't think it's frivolous but I do think that we had better move ahead expeditiously. Thank you very much.

MR. GASPER: Thank you.

Next commenter, Brian Dugvay, Cleancoalpower.org.

MR. DUGVAY: Good evening. My name is Brian Dugvay, I'm here on behalf of Clean Power Now, I'm more so speaking for myself and my heart, so I don't know if I'm speaking completely on Clean Power Now's behalf, but they can tell me after.

I mean in regards to existing projects, the MMS, with all due respect, has been asked to retrace the steps of the Army Corps of Engineers who, in my mind, did a great job with the comprehensive and exhaustive review process involving many different agencies, so here we go again. I didn't know much about MMS before this started and I'm pretty impressed by, you know, the presentation that was made, so take these things in context.

The thing that baffles me is that the

offshore wind gets more redundant review, red tape and influence from rich, not my front yard minded lobbyists than any other energy products, projects we have proposed, none of these projects are as clean and low impact on the environment and our health as offshore wind. No one every bats an eyelash when a smoke belching power plant is placed in our low to middle income communities, offshore wind power is more visible to water front land owners who have money, therefore power to be able to influence the process. Where is our sense of civic responsibility? More so our environmental responsibility to this planet?

We need this technology to help our country become more energy independent, our wallets are hurting from the price of oil. If anything, I urge swift approval of these projects via your reduced red tape and political influence. Provisions for the migrating bird populations should be written into the contract, i.e. proposed turbines may not operate during date x and y, during which time the tern migrants form point a to b. Methods of construction, which ocean floors is disrupted, i.e. pile driving, should be done with well documented and sensitive practices. Look to overseas projects for guidelines, we don't need to reinvent the entire process.

I think impact is an important thing to consider, I mean I'm an environmentalist myself, but I believe there is only so much preparation you can do. I'm a programmer, by trade, and the largest issue I deal with and something I used to fondly call analysis to paralysis is something I realize is something I want to avoid now because it tanks your productivity. If something is missed, we refactor, we upgrade. People worry about turbines snapping in half because of a hurricane, so worried about this and other things that it paralyzes their ability to embrace the idea and move forward.

I just want to remind everyone of our nation's space program, talk about trial and error. Perfection is a moving target, let's act now and move progress along. We won't get it perfect, and that's okay, it will have, it will be better than what we have been doing, which is allowing our power hungry lifestyles to negatively impact the planet, i.e. polar bears now drowning in the Arctic from melting ice. Thanks for the opportunity to speak.

MR. GASPER: Thank you.

(Applause)

MR. GASPER: Next speaker, Fred Unger.

MR. UNGER: Thank you very much for the

opportunity to be here tonight. I'm here representing the Northeast Sustainable Energy Association, I'm the Treasurer of that organization, and we are an 11 state organization representing thousands of professionals that, for the past 30 years, have been trying to promote clean renewable energy resources. We agree with the vast majority of New Englanders, who are under-represented tonight, that renewable energy and the Cape Wind project, in particular, are hugely favorable developments for New England and I want to say that, like the vast majority of New Englanders, after decades of seeing the government pay lip service to the development of real alternatives, it's reassuring to see some policies, some national policies that are finally moving the industries forward and encouraging developers to promote serious projects in this field for the first time ever.

So, in speaking to your long term regulations that you are developing, I want to agree with those that earlier pointed out that it's critical that, when you look at impacts, the positive impacts of offsetting the very serious impacts of other forms of energy production, fossil fuel and nuclear, are critical impacts for you to study and I'm sure, if you study them with any kind of seriousness, you'll see

that the impacts that the opponents of Cape Wind are concerned with are truly trivial and insignificant. I guess in considering that oil is clearly more significant risk, in every way, to our environment, I would hope that in your long term regulations in now way have any conditions placed on offshore renewable projects that is in any way more stringent than the least stringent regulations placed on offshore oil rigs.

And I would hope that, unlike the completely unfair and oppressive four year process that Cape Wind Associates has been put through, you'll make sure that an expeditious process is put in place for renewable that should in no case ever take more than 18 months to get through the approval process. Unfortunately, the current regulatory system is very easily abused and, as an organization, we are most concerned that the government is, in some ways, seems to be abandoning the fundamental principle of the rule of law and changing the rules in the middle of the game, and every school child knows that that's unfair and every business person and labor leader knows that that's fundamentally detrimental to economic development and job creation.

So I guess I want to ask you to please not

bow to the political pressure we know you are facing and thank you for protecting both our national, our national security interests, our national energy interests and our future generations by expediting renewable energy projects. Thank you very much.

MR. GASPER: Thank you.

Next speaker, Donald Stewart, Clean Power Now.

MR. STEWART: My name is Donald Stewart and I'm presenting testimony as a member of Clean Power Now, which is a renewable energy advocacy organization, and also on behalf of myself.

In the proposed programmatic EIS, I ask that the Minerals Management Service include one item and exclude another one, specifically I ask that Minerals Management Service include statements that allow the general public to make apples to apples comparison of environmental claims. I also ask that you exclude all proposals that reopen decisions based on changes in technology, economics and/or public policy, in other words, any retroactive proposal.

Here is a bit more detail for you. On the first point, based on past documents, an EIS from Minerals Management Service will include project costs and benefits. I ask that, if possible, those costs

and benefits be translated by MMS into terms easily understood by the public using generally accepted technical and economic methods. For example, a renewable project that avoids 100,000 tons of carbon dioxide emissions should have that benefit translated in an equivalent number of cars taken off the road, as a percent of cars in Massachusetts, or Cape Cod or some other entity.

I also ask that costs and benefits of renewable projects be subtracted from each other, in other words netted out, providing they are measured in similar units and hopefully in easily understood units. For example, a wind farm might exact a certain toll on the census of birds. At the same time, the wind farm avoids mercury pollution from burning fossil fuels with its negative impact on birds. Minerals Management Service should subtract one from the other to show the net benefit of the wind farm, I ask that MMS net out costs against benefits using generally accepted technical and economic methods.

As I mentioned earlier, I ask that you exclude all proposals that reopen decisions based on changes in technology, economics and on public policy, in other words, to exclude any retroactive proposal. It is well known that the field of renewable energy is

moving rapidly in technology, economics and public police. For example, the market for wind turbines has increased 30 percent, at least 30 percent annually for the past several years, at the same time the cost per megawatt is dropping and power per turbine is increasing rapidly. Minerals Management Service will have its hands full permitting just the new projects.

From an agency capacity perspective, time is better spent looking forwards with permitting new projects, not questioning past decisions in the permitting process. Even if Minerals Management Service had the agency capacity to reopen decisions on past projects, a retroactive one exerts a huge cost on those effected by MMS decisions and the political give and take among interested parties. An example of reopening is the request to review the Cape Wind proposal as part of the programmatic EIS, that request should be rejected, as should all retroactive proposals.

MR. GASPER: Thank you. Next speaker, Michael Kujawa, Wind Energy Power.

MR. KUJAWA: Hello. I'm Michael Kujawa of Wind Energy Power and thank you for my three minutes.

The issues are so complex that I think that, once this is all wrapped up, you are going to

feel like you have three minutes to finish the work that you have in front of you, although it might be months. Pardon me if I repeat things that other people have said or that I've said in the past, I would like to recommend that a scope be balanced with both positive and negative impacts. The NEPA process will necessitate studies to predict, for examples, how many worms will be squashed or if marine mammals will need to detour, if an how many birds will collide with some part of a wind turbine or other offshore equipment.

Positive impacts need also be quantified, where possible. For example, there is a defined relationship between the input of renewable derived energy into the grid and the corresponding reduction in the consumption of fossil fuels, that reduced imports of fuels, that means there are economic and national security benefits. There is also a quantified relationship between fossil fuels, plant emissions and human mortality. Unfortunately, at this time, we don't have any, that I know of, formulary relationships between those same emissions and, say, avian deaths, maybe some concerned scientists could do that as soon as possible.

The same could be said for the

acidification of the ocean by the uptake of carbon dioxide, a significant portion of which is emitted by power plants. This inhibits the formation of shells for various small species, their population declines and that promulgates declines higher up the food chain, fish stocks and replenishment decline. One obvious item that relates to this and the scope should examine is whether a project is proposed in a fish spawning ground and no project should ever be permitted in a fish spawning ground. None of these benefits, however, should remove any necessity of performing a rigorous NEPA guided evaluation of a proposed project.

During the alternatives analysis part of the process, extra weight to the positive side should be given to multi use of a project area. For example, wind and waves, anything in sustainable aquaculture, which refers back to the fact that our oceans may be dying. Once the scope is defined and the required data sets are specified, demonstration projects that satisfy the requirements of the scope will be needed as soon as possible to validate, and adjust and possibly add or delete items from the scope. Encouragement, at that time, should be given to demonstrations of different technologies at different

depths.

Finally, the installation of multi use projects, particularly adding aquaculture, will hasten the day when the offshore renewable can become commercially feasible and revenues can flow to the government for the use of the public trust resources. Thank you.

MR. GASPER: Thank you.

Next speaker, Susan Brown, Clean Power Now.

MS. BROWN: My name is Susan Brown and I've been a member of Clean Power Now for four years, I think.

I came tonight to listen and to see who else was here, and I'm getting the idea that, first of all, I'm very encouraged that the Department of the Interior and all of you are working on something for the police which will effect not only me but my grandchildren and my great grandchild. And my concern, for the last five years, has had to do with the climate and the disruption that's happening in it, and other people tonight have spoken of global warming.

I grew up in Harwich on Cape Cod, and looked out at the sea for the first 20 years of my

life and always heard the sea, and it's in a different place now, this is part of my concern. When I look at that I should limit comments to the scope of a program for the environmental impact statement, the scope I think has got to be all of us and what we can do to live in such a say together that we can sustain this wonderful earth. Thank you.

(Applause)

MR. GASPER: Thank you.

Next speaker, David Brooks, wind developer.

MR. BROOKS: I've always been an environmentalist, I can't even squish an ant. A couple of things I would like to say is, first of all, to the MMS, is it's very important to put all these wind turbine projects on the fast track, get them up as soon as possible. You are here for a reason and I think the government is starting to take global warming as a serious threat to mankind and, ultimately, it's true, I think. I think a central application would be a great idea, all applications going to one office, shared information, think tank type of situation where everything goes through the same people, all through the permitting process.

By doing that, you are eliminating the he

said/she said, call this person, go back to that person but, ultimately, there is no reason why you can't get a wind turbine on line in a half a year and I think that that should be the goal. I would like to say something about the SOS gang here tonight, I totally respect all of your points, I was actually on your side at one point and I am not any longer. There is a lot of, there is a lot of situations that you bring up over and over again that, they are not completely thought out, those are my own beliefs. I'll tell you a little history lesson, the Eiffel Tower was one of the most, it's one the most, people from all over the world go there, it's well known throughout the world but, when the Eiffel Tower was trying to go up, all the things that you are saying was said back then, history is repeating itself.

Wind power has got to be here, you've got to have it, there is no way, if it's less turbines or start with five and go up, and up and up, that's fine, but they are not going to hurt the, they are not going to hurt the environment, they are going to help the environment. I'm afraid, I'm afraid of carbon dioxide, I'm afraid of the earth blowing up, that's what I'm, I don't think we are going to take this world through two or three generations if we continue

where we are going. The thing that probably bothers me the most, at this point right now, is the fact that we are in Iraq, spending our resources over there, and we need them over here and if they put that kind of money into any type of alternative energy, the issues would be well on the hand of being solved.

And we didn't have to go over there but, ultimately, people are dying every single day because we use oil, okay? And they are our brothers, they are our people, okay? Why are we, why are Americans in Iraq? Because we had to get rid of Saddam? No, because we want to bring stability to who produces our oil and we are the ones, in New England, we are the ones that are using that oil and, therefore, it becomes the point of how do we stop it and how do you stop it? You build wind turbines, it is the first step. I think that the MMS should use Cape Wind as a blueprint, not a go back and look at it, I think that they should use it as a blueprint going forward. Thank you.

(Applause)

MR. GASPER: Thank you.

Next speaker, Donald Mosher, Jr.

Next speaker, Bob Link, Winergy Power, LLC.

MR. LINK: Hi. Bob Link from Winergy Power. Before I start, I have just one question on the protocol, if I may ask it. This is all going on the public record, all these comments, right?

MR. GASPER: Right.

MR. LINK: Just wanted to make sure. I want to say, before I start, it's a shame that the first 30 people that spoke, maybe ten are left because it you are in a public meeting and you are having public comments, you know, it's fair to hear all views. In putting together your scope and your programmatic EIS, we agree that a business plan should be something that should be included in that so, anyone who is going to do this, a business plan should absolutely be included. We also agree that a strong alternative analysis should be included, as required by NEPA.

We would also suggest that you would allow an existing baseline from a credible source, be it National Marine Fisheries, be it Fish and Wildlife, be it the Audubon Society, to be used to establish what is necessary, this is what was done over in Europe. All those projects in Europe, all those projects in Europe were test projects and still are test project, they are test and demonstration projects, they have

yet to go out and set up a complete commercial project. That's Horns Rev which will be 160 turbines, that's Nistead, which will be 144 when completed, and that's Gobi Sands, which I believe will be 120 when it's completed, they are all demonstration projects.

We would suggest that MMS, in their scope, allow for a provision for demonstration projects, prior to going out for full commercialization, and they might even want to include the two previous applicants and consider them as demonstration projects. Last, we talk about endangered species, I'm as big as most seals.

(Laughter)

MR. LINK: I consider myself an endangered species when I go into the water. I want the same consideration addressed to humans, and even fat people like me, that we address to whales, I'm not a whale, we address to birds, we address to worms when we are doing a Section 7. If we are doing a Section 7 for endangered species, do a Section 7 for the endangered humans. Thank you very much, have a nice day.

(Applause)

MR. GASPER: Thank you.

Next speaker, Michael Murphy, Ocean Renewable Energy Coalition.

MR. MURPHY: Good night, good evening. My name is Mike Murphy, I'm a member of the Ocean Renewable Energy Coalition, OREC, it's a trade association whose members represent a committed group of individuals who are at the forefront of bring clean, renewable offshore energy to the United States. OREC is a technology neutral organization, meaning that we support the advancement of all types of offshore renewable energy, such as offshore wind, wave, tidal, solar and hydrogen or hybrid combination of these technologies.

Tonight, MMS is conducting a scoping process or programmatic environmental impact statement that will serve as a template for developing our nation's offshore renewable resources, OREC commends MMS for undertaking this task, OREC believes that, in the long run, a programmatic EIS will promote the orderly development of offshore renewable energy resources, which is vital to our national security, our economy and our environment. In order for offshore renewable energy development to succeed in the United States, MMS must keep the scope of the EIS for technology as expansive as possible, MMS must ensure that the scope of the EIS includes not just near term uses like offshore wind but also encompasses

wave energy, tidal energy, deep water, offshore wind, hybrid wind and wave and other offshore renewable technologies.

A diverse energy supply is the only way to achieve independence from offshore oil, we can not put all of our eggs in one basket and focus on the development of one offshore technology to the detriment or exclusion of others. MMS should also bear in mind that today we stand at the crossroads in offshore renewable development where any decisions we make will have an impact on the future success of many offshore renewable technologies. For example, there are several projects that are ready to transition from the test tank to the ocean, the developers of these projects have devoted years to initial design and testing and now private companies, which have invested money in these companies, are anxious to see these projects deployed as prototypes in the ocean so that we can evaluate their true potential in real world conditions.

OREC urges MMS to include these technologies within the scope of its programmatic EIS, even though they are not yet commercial. If MMS limits its programmatic EIS to only those technologies that are currently considered commercial, developing

wave and tidal projects and other technologies will go undeveloped. As a result, an opportunity to develop these technologies will be lost, we will also lose opportunities to develop technology if MMS prohibits any development from moving forward while it drafts and finalizes its EIS. Some demonstration projects are ready to go, while others will be ready within the year, before MMS is due to complete its EIS.

OREC asks MMS to implement an interim program that, at a minimum, will accommodate small scale demonstration projects. In addition to endorsing a broad EIS and interim program, OREC asks MMS to consider these other factors. MMS should consider the impact of extensive regulation and the success of demonstration projects, OREC recommends a streamlined process for demonstration sites that will enable developers who are promising new offshore technologies to get their projects into the water as quickly as possible. Reliable, affordable clean energy requires us to seek out diverse sources, the energy from waves, tides, currents and wind will help us bridge to the next energy era. Thank you.

MR. GASPER: Thank you.

Next speaker, Jack Coleman, Clean Power Now.

MR. COLEMAN: Good evening. My name is Jack Coleman, I work as a media advisor to Clean Power Now. I'll keep my comments brief, it's very late.

I would like to also thank MMS for providing all of us with this opportunity. You have heard several comments tonight from those who want the Cape Wind to start from scratch, nearly five years after the permitting process began and more than $20 million spent by Cape Wind. Those asking for this are citing an alleged lack of fairness in this process, but for what, but for MMS to do what they are asking would not be fair, it would be the antithesis of fairness.

I can think of no single thing the federal government can do to discourage entrepreneurial endeavor than to make Cape Wind start pushing that huge boulder up that hill from the bottom of the hill. Far from encouraging fairness, what you would be doing would be to punish initiative, a notion I find anathema. What you are hearing tonight is actually code and I've gotten used to deciphering the code in this long process. When Cape Wind's opponents say they want to project subject to the same regulatory review as every other offshore project, what they are implying is that Cape Wind will somehow already escape

or will somehow escape your rigorous oversight, and everyone here knows that's not the case. What is actually being requested is a comprehensive permitting regime that's only comprehensive enough to keep Cape Wind from getting built. Thank you.

(Applause)

MR. GASPER: Thank you.

Okay, we have reached the end of the list of speakers who have signed up to talk. Is there anyone else who would like to make a comment? Please step up to the podium and give your name and organization.

MR. LIEDELL: My name is Jim Liedell, I live in Yarmouthport on Cape Cod and I also am a Director of Clean Power Now.

I think there have been many good points made, I kind of favor the latter part of the meeting, but I think the major issue, to my mind, is that when you are talking about evaluation, there should be evaluation for things and problems eliminated. I mean Audubon has come out with conditional support, they support, they conclude that there is no significant problem with the birds, and yet these keep being brought up.

If there, when you talk about possible

demerits to a project, you also should consider the things that it will eliminate that are harmful. For example, when the barge pulled up and had a tear of 100,000 gallons of oil in Buzzards Bay, that killed a great many good creatures and prevented a great, or created a lack of fishing for sea shell fishermen, and clams and things like that. So the most important thing, I think, is that your evaluation and your programmatic project have the pluses as well as the minuses and, in that way, I think you can capture the enthusiasm that many of the people here in the latter part of the meeting expressed for the need, the urgency and the real urgency of clean, renewable energy. Thank you.

MR. GASPER: Thank you.

Anyone else? Yes, sir?

MR. POLANO: Good evening. My name is Gerry Polano, I'm a registered professional engineer, I live here in the state and am registered in Massachusetts and New York State, and I've been in the energy business for 25 years.

I speak tonight both as a professional engineer and as a citizen of the United States. First of all, I want to thank MMS for initiating this process and actually having a public forum in the New

England Area where the need for alternative energy sources is critical and the potential is huge.

As a nation seeking to optimize our natural resources, when it comes to creating energy independence and in concern with the MMS's required duty to protect our environment, as your Websites white papers attest to and I think even our friends from the Nantucket Sound group, who are trying to protect it, could agree that there is no better combination of energy resources, that are relatively environmentally benign, compared to conventional sources, than the tremendous potential capacity of renewable energy in the sun, the wind and the ocean off our coasts.

When it comes to current and future energy options and environmental impact statements, the MMS and all Americans, all of us need to realize that we must look at this holistically, and that we can no longer just say no and end it at that, but we all need to say yes to some sort of current and future energy supply. I attended a conference once and I asked what made the Long Island wind project so successful and unanimous, the wind project that's proposed down there and those that are trying to protect that sound as well and, ultimately, it became because the folks on

Long Island ultimately came to realize they could just no longer say no, we don't want it, that they needed to say yes to something.

And when they looked at their options and saw do we want another nuclear power plant, like the one that's leaking for the last six months, and they still can't find out where and how long? Do we want a liquified natural gas port put here? Do we want more oil? Do we want more diesel? Do we want more, when the choices became evident and they started looking at all the options, I think that's when everyone came to realizes, holistically, that offshore wind is a real potential and a vital need for that area. When looked at in comparative context to all our other conventional choices, offshore renewable energy can definitely be a win/win for all of us, socioeconomicly and environmentally.

Hopefully this process can help educate and spread the word to many Americans who are still uncertain or unknowledgable of the great benefits we can set in motion for our current needs and our future generations. Please, let's not let any unwarranted, not in my back yard mentality or self interest enter in, confuse or delay the real issues that really need to be decided. In that light, I ask MMS to expedite

and not delay this process of developing the generic EIS and to ultimately produce a program and set of rules which streamlines the process toward the development of offshore renewable.

Considerable time and effort has already been expended by a number of developers and organizations, including the Offshore Wind Collaborative, a group of various government, private an industry groups, both pro and con. In conjunction with this process, I think the Cape Wind and the Long Island project could serve to be great pilot projects that we could learn from as we move forward because we are not going to be perfect the first time up, but we can learn a lot about what works and what doesn't work and can serve to be great role models for the future needs and the future development on our offshore shelf. Thank you very much for allowing me the opportunity.

MR. GASPER: Thank you.

Anyone else have comments about the scope of the programmatic EIS?

If you could just restate your name?

MR. KLEEKAMP: Yes, thank you, Chuck Kleekamp, Vice President, Cape Clean Air. A cultural and socioeconomic impact, let me address the issue

head on, if I might, and that is for the EIS to address the impact of the aesthetics of an above surface project like wind turbines is almost an intractable problem. Some people love the looks of majestic turbines, for example, some think they are ugly or worse. It is a case for environmental and social justice to say that they should be placed in someone else's view, hence the view shed should be all but discounted in the EIS. At most, the EIS should include a discussion of the economic trade offs of the alternative of placing the project far enough offshore to be out of view.

The cost estimates in the foreseeable future, that is in the next five to seven years, should be included, that's the time frame you are looking at. Let me take an example, the deep water demonstration, now in the permitting stage, undertaken by Talisman Energy in the North Sea 14 miles off the Scottish coast is in 150 feet of water, it's perched on top of a four legged undersea lattice type foundation structure. The total cost of this project, for two turbines, for ten megawatts, is $58 million. Compare that in the analysis in the EIS for the conventional shallow water offshore wind farms where the cost is about $2 million per megawatt, installed,

and you will see that the fixed power foundation of the Talisman project is $5.8 million per megawatt and that's almost three times as expensive as shallow water wind. And it's prohibitively uneconomical in the near term, meaning the five to seven years that you are looking at.

Let me mention the alternative, if I might, to one other project, this time to another near zero polluting alternative energy project. We should include a cost comparison to the near zero polluting Futuregen Coal Project, which is a $1 billion public/private sponsored for a 275 megawatt power plant and it includes a 50 year lease, in federal request for proposals, for a land area of ten miles radius, that's some 300 square miles for sequestering a million tons of carbon dioxide each year. If we put in a wind farm offshore like Nantucket Sound, we sequester the same equivalent, a million tons of carbon dioxide each year, and it doesn't cost the public anything. Thank you very much.

MR. GASPER: Thank you.

MR. O'BRIEN: Just a final word. Greg O'Brien Stonybrook Group in Brewster. I ask the MMS to separate the facts in its review from the idealogy, symbolism and sound bites, the facts as they apply to

the proposed Cape Wind cause one to seriously question its viability, location and oversight, and the facts are on the record. Thank you.

MR. GASPER: Thank you.

(Applause)

MR. GASPER: Any other comments on what we should be looking at within the scope of the programmatic EIS?

MR. AMES: Ford Ames, Ocean Wave Energy Company. One thing that's also going on is, I think it's true that icebergs are melting and sea levels are raising, supposedly. I haven't really seen verifiable evidence, but I'm willing to believe it, and I think that we really have to talk about desalination, resalination processes and electrolysis of ocean water to make hydrogen, as a fuel, and incorporate it into our industrial processes and make a system that is fairly macro in scale, totally offshore and modular, and use basically minimal systems design and implementation. Thanks.

MR. GASPER: Thank you.

Okay, any other comments on what the scope of the programmatic EIS should be?

Okay, then I'll note that it's 9:55 and the scoping meeting for this evening is closed.

Thank you.

(Applause)

(Whereupon, at 9:55 p.m., the hearing was adjourned.)